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5TH STORY of Level 1 printed in FULL format.

The New Republic

MAY 18, 1998

SECTION: White House Watch; Pg. 21

LENGTH: 1588 words

HEADLINE: WONDERWONK

BYLINE: Dana Milbank

BODY:

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They don't wonder anymore. Kagan, though virtually unknown outside the White House, has become the administration's lead negotiator on tobacco, crafting much of Senator John McCain's tobacco legislation. The story of Kagan's involvement in hammering out a deal with Senate Republicans illustrates just how active the administration has been in shaping tobacco legislation behind the scenes. Although Reed and White House Chief of Staff Erskine Bowles are the public faces of Clinton's tobacco team, Kagan engineered the White House's most significant win in the tobacco talks so far: convincing McCain and his fellow Senate Republicans to give the Food and Drug Administration full regulatory authority over tobacco, while keeping the administration's bureaucrats at bay.

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Ironically, Kagan was a teenage smoker herself and quit only in 1993 after 17 years. "I love smoking, and I still miss it," she says. "It's completely clear to me how addictive this product is. But it's also clear to me how much people can enjoy smoking." Now 38 years old, she has a no-frills appearance and a New York accent left over from her childhood on Manhattan's West Side. Kagan met Bruce Reed at Princeton, when she was opinion editor of The Daily Princetonian and he was a columnist. After an Oxford fellowship and Harvard Law School, she clerked for Thurgood Marshall and worked on the Dukakis campaign, then joined the law faculty at Chicago.

Kagan's legal training came in handy in her forays into the minutiae of tobacco legislation. Her moment came in late March, when Reed was vacationing in Europe and Kagan squared off with Republican senators and their staffs on the eve of the Senate Commerce Committee's April 1 markup of the legislation. An earlier proposal by Republican senators James Jeffords and Orrin Hatch had fallen apart over the question of giving regulatory authority to the FDA.

The White House started by arguing that the FDA should regulate tobacco under the "drug and device" chapter in the law, essentially codifying the authority that the agency has already claimed for itself--and which the tobacco industry is currently challenging in court. Senators McCain, Frist, Hatch, and Jeffords all objected, as did the pharmaceutical industry, which feared that it would get harsher treatment along with tobacco. But the FDA insisted on the "drug and device" chapter, figuring that losing this would weaken the regulations and make the agency more vulnerable to court challenges. That might have been the end of it, but Kagan hatched a plan for a separate title under the law for tobacco, giving the FDA virtually the same regulatory language and legal standing it demanded, but moving the wording to another part of the law to soothe the Republicans.

That seemed to hold, but, as late as Friday, March 27, the agreement again was in danger of falling apart when Frist raised new concerns. He worried that, under the new title, the FDA would get authority over tobacco farmers, not just tobacco, and that the FDA might go too far in limiting retail sales of tobacco or in banning nicotine. Kagan pleaded for 24 hours to work out a deal, and she went through each point with the senator in painstaking detail. Negotiations stretched into the wee hours of the morning. They finally agreed that the FDA would delay by two years any serious action--say, eliminating a class of tobacco product or reducing or eliminating nicotine content--so Congress could review the decision. She also convinced the agencies to accept this token recognition of Congress's prerogatives. Congress, she argued, can reverse FDA decisions anyway. By late Saturday, the deal was done.

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LANGUAGE: English

LOAD-DATE: May 14, 1998

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Texas Law Review

May, 1993

71 Tex. L. Rev. 1125

LENGTH: 2759 words

IN MEMORIAM: For Justice Marshall.

Elena Kagan *

- - - - - - - - - - - - - - - - - - -Footnotes- - - - - - - - - - - - - - - - - -

* Assistant Professor, University of Chicago Law School; law clerk to Justice Marshall, 1987 Term. A.B. 1981, Princeton University; M. Phil. 1983, Oxford University; J.D. 1986, Harvard Law School.

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TEXT:

[*1125] A few days after Thurgood Marshall's death, I stood for a time at his flag-draped casket, then lying in state at the Supreme Court, and watched the people of Washington celebrate his life and mourn his passing. There would be, the next day, a memorial service for the Justice in the National Cathedral, a grand affair complete with a Bible reading by the Vice President and eulogies by the Chief Justice and other notables. That service would have its moments, but it would not honor Justice Marshall as the ordinary people of Washington did. On the day the Justice's casket lay in state, some 20,000 of them came to the Court and stood in bitter cold for upwards of an hour in a line that snaked down the Supreme Court steps, down the block, around the corner, and down the block again. The Justice's former clerks took turns standing at the casket, acting as a kind of honor guard, as these thousands of people filed by. Passing before me were people of all races, of all classes, of all ages. Many came with children and spoke, as they circuited the casket, of the significance of Justice Marshall's life. Some offered tangible tributes -- flowers or letters addressed to Justice Marshall or his family. One left at the side of the casket a yellowed slip opinion of Brown v. Board of Education. n1 There never before has been such an outpouring of love and respect for a Supreme Court Justice, and there never will be again. As I stood and watched, I felt (as I will always feel) proud and honored and grateful beyond all measure to have had the chance to work for this hero of American law and this extraordinary man.

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n1 347 U.S. 483 (1954).

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I first spoke with Justice Marshall in the summer of 1986, a few months after I had applied to him for a clerkship position. (It seems odd to call him Justice Marshall in these pages. My co-clerks and I called him "Judge" or

"Boss" to his face, "TM" behind his back; he called me, to my face and I imagine also behind my back, "Shorty.") He called me one day and, with little in the way of preliminaries, asked me whether I still wanted [*1126] a job in his chambers. I responded that I would love a job. "What's that?" he said, "you already have a job?" I tried, in every way I could, to correct his apparent misperception. I yelled, I shouted, I screamed that I did not have a job, that I wanted a job, that I would be honored to work for him. To all of which he responded: "Well, I don't know, if you already have a job. . . ." Finally, he took pity on me, assured me that he had been in jest, and confirmed that I would have a job in his chambers. He asked me, as I recall, only one further question: whether I thought I would enjoy working on dissents.

So went my introduction to Justice Marshall's (sometimes wicked) sense of humor. He took constant delight in baffling and confusing his clerks, often by saying the utterly ridiculous with an air of such sobriety that he half-convinced us of his sincerity. (There was the time, for example, when he announced sadly that he would have to recuse himself from Gwaltney of Smithfield v. Chesapeake Bay Foundation. n2 When we pressed him for a reason, he hemmed and hawed for many minutes, only finally to say: "Because I l-o-o-o-o-v-e their ham." When we laughed, he assumed an attitude of great indignation and began instructing us on proper recusal policy. It was early in the Term; perhaps we may be forgiven for thinking for a moment that, after all, this was not a joke.) He had an endless supply of jokes, not all of them, I must admit, appropriate to print in the pages of a law review. And he was the greatest comic storyteller I have ever heard, or ever expect to hear. This talent, I think, may be impossible to communicate to those never exposed to it. It was a matter of timing (the drawn-out lead-up, the pregnant pause), of vocal intonations and inflections, and most of all of facial expressions (the raised brow, the sparkling eyes, the sidelong glance). Suffice it to say that at least once in the course of every meeting we had with him (and those were frequent), my co-clerks and I would find ourselves holding our sides and gasping for breath, as we struggled to regain our composure.

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n2 484 U.S. 49 (1987).

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Thinking back, I'm not sure why we laughed so hard -- or rather, I'm not sure why Justice Marshall told his stories so as to make us laugh -- because most of the stories really weren't funny. To be sure, some were pure camp. (When Justice Marshall was investigating racial discrimination in the military in Korea, a soldier demanded that he provide a password; the hulking (and, of course, black) Marshall looked down at the soldier and asked, "Do you really think I'm North Korean?" And when assisting in the drafting of the Kenyan Constitution, the Justice was introduced to Prince Philip. "Do you care to hear my opinion of lawyers?" Prince Philip asked in posh British tones, mimicked to great comic effect by Justice Marshall. "Only," Justice Marshall replied -- before the two discovered [*1127] mutual ground in a taste for bourbon -- "if you care to hear my opinion of princes.") But most of the stories, if told by someone else, would have expressed only sorrow and grimness. They were stories of growing up black in segregated Baltimore, subject to daily humiliation and abuse. They were stories of representing African-American defendants in criminal cases -- often capital cases -- in which a fair trial

was not to be hoped for, let alone expected. (He knew he had an innocent client, Justice Marshall said, when the jury returned a sentence of life imprisonment, rather than execution.) They were stories of the physical danger (the lynch mobs, the bomb-throwers, the police themselves) that the Justice frequently encountered as he traversed the South battling state-imposed segregation. They were stories of prejudice, violence, hatred, fear; only as told by Justice Marshall could they ever have become stories of humor and transcending humanity.

The stories were something more than diversions (though, of course, they were that too). They were a way of showing us that, bright young legal whipper-snappers though we were, we did not know everything; indeed, we knew, when it came to matters of real importance, nothing. They were a way of showing us foreign experiences and worlds, and in doing so, of reorienting our perspectives on even what had seemed most familiar. And they served another function as well: they reminded us, as Justice Marshall thought all lawyers (and certainly all judges) should be reminded, that behind law there are stories -- stories of people's lives as shaped by law, stories of people's lives as might be changed by law. Justice Marshall had little use for law as abstraction, divorced from social reality (he muttered under his breath for days about Judge Bork's remark that he wished to serve on the Court because the experience would be "an intellectual feast"); his stories kept us focused on law as a source of human well-being.

That this focus made the Justice no less a "lawyer's lawyer" should be obvious; indeed, I think, quite the opposite. I knew, of course, before I became his clerk that Justice Marshall had been the most important -- and probably the greatest -- lawyer of the twentieth century. I knew that he had shaped the strategy that led to Brown v. Board of Education and other landmark civil rights cases; that he had achieved great renown (indeed, legendary status) as a trial lawyer; that he had won twenty-nine of the thirty-two cases he argued before the Supreme Court. But in my year of clerking, I think I saw what had made him great. Even at the age of eighty, his mind was active and acute, and he was an almost instant study. Above all, though, he had the great lawyer's talent (a talent many judges do not possess) for pinpointing a case's critical fact or core issue. That trait, I think, resulted from his understanding of the pragmatic -- of the way in which law worked in practice as well as on the books, of the way in [*1128] which law acted on people's lives. If a clerk wished for a year of spinning ever more refined (and ever less plausible) law-school hypotheticals, she might wish for a clerkship other than Justice Marshall's. If she thought it more important for a Justice to understand what was truly going on in a case and to respond to those realities, she belonged in Justice Marshall's chambers.

None of this meant that notions of equity governed Justice Marshall's vote in every case; indeed, he could become quite the formalist at times. During the Term I clerked, the Court heard argument in Torres v. Oakland Scavenger Co. n3 There, a number of Hispanic employees had brought suit alleging employment discrimination. The district court dismissed the suit, and the employees' lawyer filed a notice of appeal. The lawyer's secretary, however, inadvertently omitted the name of one plaintiff from the notice. The question for the Court was whether the appellate court had jurisdiction over the party whose name had been omitted; on this question rode the continued existence of the employee's discrimination claim. My co-clerks and I pleaded with Justice Marshall to vote (as Justice Brennan eventually did) that the appellate court could exercise

jurisdiction. Justice Marshall refused. As always when he disagreed with us, he pointed to the framed judicial commission hanging on his office wall and asked whose name was on it. (Whenever we told Justice Marshall that he "had to" do something -- join an opinion, say -- the Justice would look at us coldly and announce: "There are only two things I have to do -- stay black and die." A smarter group of clerks might have learned to avoid this unfortunate grammatical construction.) The Justice referred in our conversation to his own years of trying civil rights claims. All you could hope for, he remarked, was that a court didn't rule against you for illegitimate reasons; you couldn't hope, and you had no right to expect, that a court would bend the rules in your favor. Indeed, the Justice continued, it was the very existence of rules -- along with the judiciary's felt obligation to adhere to them -- that best protected unpopular parties. Contrary to some conservative critiques, Justice Marshall believed devoutly -- believed in a near-mystical sense -- in the rule of law. He had no trouble writing the Torres opinion.

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n3 487 U.S. 312 (1988).

- - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - - -

Always, though, Justice Marshall believed that one kind of law -- the Constitution -- was special, and that the courts must interpret it in a special manner. Here, more than anywhere else, Justice Marshall allowed his personal experiences, and the knowledge of suffering and deprivation gained from those experiences, to guide him. Justice Marshall used to tell of a black railroad porter who noted that he had been in every state and every city in the country, but that he had never been anyplace where he had to [*1129] put his hand in front of his face to know that he was black. Justice Marshall's deepest commitment was to ensuring that the Constitution fulfilled its promise of eradicating such entrenched inequalities -- not only for African-Americans, but for all Americans alike.

The case I think Justice Marshall cared about most during the Term I clerked for him was Kadrmas v. Dickinson Public Schools. n4 The question in Kadrmas was whether a school district had violated the Equal Protection Clause by imposing a fee for school bus service and then refusing to waive the fee for an indigent child who lived sixteen miles from the nearest school. I remember, in our initial discussion of the case, opining to Justice Marshall that it would be difficult to find in favor of the child, Sarita Kadrmas, under equal protection law. After all, I said, indigency was not a suspect class; education was not a fundamental right; thus, a rational basis test should apply, and the school district had a rational basis for the contested action. Justice Marshall (I must digress here) didn't always call me "Shorty"; when I said or did something particularly foolish, he called me (as, I hasten to add, he called all his clerks in such situations) "Knucklehead." The day I first spoke to him about Kadrmas was definitely a "Knucklehead" day. (As I recall, my handling of Kadrmas earned me that appellation several more times, as Justice Marshall returned to me successive drafts of the dissenting opinion for failing to express -- or for failing to express in a properly pungent tone -- his understanding of the case.) To Justice Marshall, the notion that government would act so as to deprive poor children of an education -- of "an opportunity to improve their status and better their lives" n5 -- was anathema. And the notion that the Court would allow such action was even more so; to do this

would be to abdicate the judiciary's most important responsibility and its most precious function.

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n4 487 U.S. 450 (1988).

n5 Id. at 468-69 (Marshall, J., dissenting).

- - - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - - - -

For in Justice Marshall's view, constitutional interpretation demanded, above all else, one thing from the courts: it demanded that the courts show a special solicitude for the despised and disadvantaged. It was the role of the courts, in interpreting the Constitution, to protect the people who went unprotected by every other organ of government -- to safeguard the interests of people who had no other champion. The Court existed primarily to fulfill this mission. (Indeed, I think if Justice Marshall had had his way, cases like Kadrmas would have been the only cases the Supreme Court heard. He once came back from conference and told us sadly that the other Justices had rejected his proposal for a new Supreme Court rule. "What was the rule, Judge?" we asked. "When one corporate fat cat sues another corporate fat cat," he replied, "this Court shall have no jurisdiction.") [*1130] The nine Justices sat, to put the matter baldly, to ensure that Sarita Kadrmas could go to school each morning. At any rate, this was why they sat in Justice Marshall's vision of the Court and Constitution. And however much some recent Justices have sniped at that vision, it remains a thing of glory.

During the year that marked the bicentennial of the Constitution, Justice Marshall gave a characteristically candid speech. He declared that the Constitution, as originally drafted and conceived, was "defective"; only over the course of 200 years had the nation "attain[ed] the system of constitutional government, and its respect for . . . individual freedoms and human rights, we hold as fundamental today." n6 The Constitution today, the Justice continued, contains a great deal to be proud of. "[B]ut the credit does not belong to the Framers. It belongs to those who refused to acquiesce in outdated notions of 'liberty,' 'justice,' and 'equality,' and who strived to better them." n7 The credit, in other words, belongs to people like Justice Marshall. As the many thousands who waited on the Supreme Court steps well knew, our modern Constitution is his.

- - - - - - - - - - - - - - - - - - -Footnotes- - - - - - - - - - - - - - - - - -

n6 Thurgood Marshall, The Constitution's Bicentennial: Commemorating the Wrong Document?, 40 VAND. L. REV. 1337, 1338 (1987).

n7 Id. at 1341.

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LEVEL 1 - 84 OF 133 STORIES

The National Journal

August 2, 1997

SECTION: THE ADMINISTRATION; Pg. 1566; Vol. 29, No. 31

LENGTH: 2614 words

HEADLINE: Still a Guy's Game

BYLINE: Alexis Simendinger

BODY:

Five years into an Administration sculpted to ''look like America''--where more women have been appointed to senior agency and department posts than at any other time in history--the only woman in Bill Clinton's closest circle of White House advisers is Hillary Rodham Clinton.

The phrase ''all the President's men,'' which was used to describe Richard M. Nixon's team a quarter-century ago, still applies today. At the top of Clinton's male pyramid are Vice President Al Gore and the President's chief of staff, North Carolinian Erskine B. Bowles, the third man to hold the job. The President's senior policy adviser is Rahm Emanuel, who took over where George R. Stephanopoulos left off. Clinton's ever-present aide-de-camp is Arkansas friend and deputy counsel Bruce R. Lindsey. And the President's chief economic adviser is Treasury Secretary Robert E. Rubin.

Ask any woman among the 39 per cent of the White House staff who are female why they think Clinton--a President who preaches diversity and claims to practice it--has not done more to shatter the historical barrier around the Oval Office, and they will tell you they are baffled. Some will offer vague explanations about his comfort level with men and women's newly minted portfolios. And after a brief pause, they will defensively tick off a list of publicly obscure women at the White House whose titles put them just outside the prized circle.

''It is still mostly men,'' concedes White House communications director Ann F. Lewis in an interview, ''but there are quite a few women. This President has made two lifetime choices. The first time, he chose Hillary Rodham. The second time, he chose Al Gore. He's a secure guy who chooses people who are smart and articulate and bring ideas and energy, and that's what he wants in the people he's going to spend most of his time with.''

Lewis, an unabashed feminist who has spruced up her windowless West Wing office with artwork celebrating groundbreaking women, includes herself among a small number of women making inroads at the White House. There are only seven women who hold the prized title of assistant to the President,

and Lewis is one of them. In contrast, there are 17 men with the title, and two others with the more senior rank of ''counselor'' to Clinton. Lewis, who was deputy campaign manager handling communications for Clinton-Gore '96 and a former political director for the Democratic National Committee, is surrounded by five male advisers to the President who have overlapping responsibilities within her shop.

The group includes outgoing communications director Donald A. Baer, who is leaving to undertake a variety of private-sector media projects; newly promoted chief speechwriter Michael A. Waldman; journalist-turned-Big Thinker Sidney Blumenthal, who arrives this month; Paul Begala, who managed Clinton's 1992 campaign with James Carville, and will soon become a salaried government employee; and senior adviser Emanuel, who likes to keep his hands in the message department. ''Yes, isn't this interesting?'' Lewis said, when asked about the crowd of Y chromosomes around her. ''It's going to be a challenge.''

Although titles at the White House do not always indicate who has real influence, they suggest who has authority. These days, the woman other than Mrs. Clinton who gets the most prominent attention is 32-year-old deputy chief of staff Sylvia A. Mathews, who is one of Bowles's two deputies. Mathews, a former Rhodes scholar who was Rubin's chief of staff before Bowles stole her away in December, manages many White House operations and is one of just four or five women who attend the Wednesday evening political meetings with Clinton in the White House residence. Her sharp instincts and judgment about a wide variety of issues are tapped by her bosses as well as by her colleagues. The youthful Mathews is only the second woman to hold the deputy chief of staff's job in the Clinton White House; the first, in 1996, was Evelyn S. Lieberman, 53, a former deputy to White House spokesman Michael D. McCurry and former assistant to Hillary Clinton, who left the deputy job after a year at the White House to head the Voice of America.

Also mentioned as important among the ranks of the women is Janet L. Yellen, 50, chairwoman of the President's Council of Economic Advisers. Yellen, whose no-nonsense rhetoric is delivered with a pronounced Brooklyn accent, joined the White House a mere five months ago, after serving for three years as a Clinton appointee to the Federal Reserve Board. Yellen came to the White House as the budget battles were ending, so she had a less central role on the President's economic team than her peers, although the chief of staff made sure she was included in all the decisions. Yellen, who resurrected the weekly economic briefings for the President that had been dropped during last year's campaign, is seen as an important adviser because of her knowledge of economics and her familiarity with the thinking of Fed chairman Alan Greenspan. Even though economic policy has traditionally been a male preserve, two other women economists preceded Yellen in the Administration: former budget director Alice M. Rivlin (now at the Fed) and Laura D'Andrea Tyson, who was the first female Council of Economic Advisers chair in 1993.

Tyson, who had real clout in the first term, took over Clinton's National Economic Council (NEC) when Rubin went to Treasury, but left Washington last year to return to teaching.

Another assistant to the President who is getting good marks is Maria Echaveste, 43, who directs public liaison. Her office functions as the President's eyes and ears to outside interest groups and ''real people.'' Echaveste, a former corporate litigator who came to the West Wing in the second term from the Labor Department's Wage and Hour Division, is in a position of considerable political importance to the President and Gore. She succeeded Alexis Herman, now Labor Secretary. Inside the White House, Herman was seen as a politically savvy aide with a vast network of contacts and connections. The President, in particular, relied heavily on her political weather vane. Echaveste's colleagues think she is successfully picking up where her predecessor left off.

Cheryl D. Mills, deputy counsel to the President, is applauded by many current and former White House officials for her mastery of a range of thorny issues in the counsel's office--everything from ethics requirements to the handling of Clintons' ''scandals.'' While some commend the confident, and confidential, way she dispenses advice, others suggest that she sometimes shoots from the hip. The fast-talking, high-energy Mills, 32, is a skillful navigator, having served with all five of Clinton's top lawyers. She came to the White House during the 1992 transition, when she was a deputy general counsel working with the late Vincent Foster Jr. The continuity of her service adds to her influence.

Elena Kagan, deputy assistant to the President for domestic policy, works side by side--some in the White House say interchangeably--with boss Bruce Reed, who is considered to be Clinton's ''centrist'' conscience on the White House staff. Kagan, 35, shepherds issues ranging from tobacco to welfare through the policy pipeline. On extended leave from the University of Chicago, where she is a law professor, she specializes in constitutional and labor law. She joined the Domestic Policy Council this year at Reed's behest after she announced she was leaving her post as associate counsel to the President, which she held for more than a year. The President is said to be among her fans.

With so many respected, highly educated women working just outside the President's inner circle, many current and former White House officials predicted in interviews that it's only a matter of time before a woman with the right ''fit'' ascends to the inner circle. After all, Clinton as a governor had a female chief of staff, Betsey Wright. They acknowledge, however, that not one of the prospective candidates to succeed Bowles, who is expected to depart this year, is a woman. ''It will depend more on the individual,'' Lewis said. ''That one, I'd say, could happen. The nation is ready for that.''

While there is no doubt that Clinton enjoys the company of guys--playing golf and hearts, swapping colorful stories, talking sports--no one interviewed suggested the President had ever displayed gender bias. None of the off-the-record examples of perceived gender bias among White House aides involved men who are now there. If there is any pervasive problem for women on the White House staff, it's the time it takes for them to polish the skills that men use to get into the political arena, to network into jobs and to latch onto supportive mentors. In most cases, female White House staff members who have moved up the ladder have had influential sponsors. Lewis has both Bill and Hillary Clinton in her corner; Mathews secured Rubin's backing when she was his assistant at the NEC; Yellen enjoyed an academic reputation and had ties to Administration officials, including Tyson and former student deputy Treasury secretary Lawrence H. Summers; Echaveste worked for Labor Secretary Robert B. Reich and brought the important Hispanic constituency with her to the West Wing; Kagan, after leaving Harvard Law School, clerked for White House counsel Abner J. Mikva, who later brought her into the White House; Mills has been encouraged in her rise by a succession of male counsels working for the President, including Lindsey.

''Presidents tend to turn to people already in government, particularly in a second term,'' according to Janet M. Martin, associate professor of government at Bowdoin College, who has written extensively about women in the executive branch. ''Presidents turn to people who are familiar,'' she said in an interview. It is important, then, for women to build networks with men or women that can put them in positions of influence. ''That's exactly what men do,'' Martin explained. Women in the Clinton White House said women are less likely than men to come from outside the Administration directly into a senior post.

''Many times, men may get to the table based on their reputation for wise counsel and good judgment,'' Mills said. ''With women, I've noticed that it's more typical for us to arrive at the table after others have had a chance to work with us.''

There is no surefire path to success for a woman in the White House, but those interviewed offered traits that help: high-quality work, good political judgment, loyalty to the President, a proven ability to deliver what's expected, a willingness to take on even ''dog projects,'' self-confidence and people skills that can be used to build a consensus. And in the fast-paced atmosphere of the White House, women cannot expect hand-holding when things go wrong, or lavish praise when things go right, they said.

''The only acceptance that you don't get is your own,'' said a woman who left an influential White House post after working for Clinton. ''You know, nobody tells you how to do the job; they just give it to you. It took me about three days to figure out what my mother always told me: 'People take their cue

from you. If you think you're supposed to be there, you're supposed to be there.' '' She added: ''That's the way the boys operate. I think a lot of the reason girls don't get what they want is because they don't know how to deal in the same arenas, even though they've been successful in what they've done.''

LANGUAGE: ENGLISH

LOAD-DATE: August 05, 1997

M2 PRESSWIRE January 8, 1997

Elena Kagan, who currently serves as an Associate Counsel to the President, is on leave from the University of Chicago, where she is a Professor of Law, specializing in constitutional law and labor law. Previously, Ms. Kagan was in private practice at the Washington, D.C. law firm of Williams and Connolly. She received her A.B. from Princeton University and an M. Phil in Politics at Worcester College, Oxford University, where she spent two years as a Daniel M. Sachs Scholar. She received her J.D. from Harvard Law School.

LANGUAGE: English

LOAD-DATE: May 23, 1997

Having served as the second-ranking lawyer in the White House counsel's office for two years, "he had his share of battles," says the official, speaking on condition of anonymity.

Although he declines to identify the subject of those dust-ups, the official adds, those confrontations left behind both backers and detractors for Klein inside the West Wing.

Waxman, formerly a partner at Miller, Cassidy, Larroca & Lewin, joined the Justice Department after his former law partner, Jamie Gorekick, was named deputy attorney general, the department's second in command.

He is Gorelick's point man on immigration affairs -- and by extension on the administration's high -- profile Southwest border initiative to beef up immigration and drug-law enforcement.

An expert on capital-defense appeals from his days in private practice, Waxman also reviews trial court rulings for possible appeal in the department's criminal and civil cases.

A top Justice Department official says Gorelick, who counts Waxman as perhaps her closest professional associate, is nonetheless committed to keep her "finger off the scale" when it comes time for Reno's call on the matter.

Nolan, a George Washington University Law School legal ethics scholar, served as associate White House counsel -- under Klein, who, as deputy counsel, was the second-ranking lawyer.

A top administration official says that Nolan has support from within the current White House counsel's office but Ouinn, its top lawyer, is trying to remain neutral.

Although Nolan is considered well-qualifled for the post, one high-ranking Justice Department official says it would be "extraordinary" to pass over Klein or Waxman and reach outside the administration for Dellinger's replacement.

White House associate counsel Kagan, at 36, is the youngest among those given serious consideration for the post.

She is backed by Sen. Joseph Biden Jr. of Delaware, the Senate Judiciary Committee's ranking Democrat. A former University of Chicago law professor, Kagan worked for Biden in 1993, when he chaired the panel.

She is also a former litigation associate at Williams & Colmolly, the Washington law firm that represents the president and first lady Hillary Rodham Clinton in the couple's Whitewater-related legal matters.

The next head of OLC, whoever it is, will find it hard to match Dellinger's stellar reputation in liberal legal circles, where his intellect and wit were much admired. His shoes will be hard to fill, say top Justice Department officials.

"I frankly cannot imagine a better tenure," Gorelick says. "He is brilliant, funny, and a consensus builder. His force of intellect and grasp of the practical context are unmatched."

LEVEL 1 - 124 OF 133 STORIES

Star Tribune (Minneapolis, MN)

February 6, 1996, Metro Edition

SECTION: News; Pg. 13A

LENGTH: 1063 words

HEADLINE: Balancing free speech and equal protection of law

BYLINE: Leonard Inskip; Staff Writer

BODY:

Even as the Legislature this week moves toward making it easier for victims of bias crimes to collect damages in civil court, a University of Minnesota center wants the nation to look more closely at related but broader issues of free speech and equal protection of the law.

The center's goal: Find ways to protect freedom of speech while keeping hatemongers and pornographers from flourishing.

Director Laura Lederer has organized a 380-page book of more than 40 essays and academic papers on the topic. It's called "The Price We Pay - The Case Against Racist Speech, Hate Propaganda and Pornography."

The "price" society pays is damaged lives and communities. How, the authors ask, can the cherished free-speech values of the First Amendment be balanced by the equal-protection values of the 14th Amendment?

Too often, their concern goes, the damage caused by hateful speech and by pornography stands for too little alongside free-speech rights of those creating the damage.

Free-speech and equal-protection supporters are polarized, Lederer says. That's why she organized a 1993 conference for legal scholars that led to many of the essays.

When she moved to Minneapolis from Chicago a year ago, her small Center on Speech, Equality and Harm came with her; it found a home in the University of Minnesota's Institute on Race and Poverty.

Publication of the book is an effort to stimulate discussion of issues around free speech and equal protection, Lederer says.

It's no longer enough to think of racist speech, hate propaganda and pornography as things "merely offensive," she argues. In the last decade, the social sciences have begun more clearly to show actual harm to people.

Fear, terror and rage

The book's first half discusses evidence and issues of harm. Ten stories describe the "fear, humiliation, degradation, illness, terror, fury, anger and rage" experienced by victims of hate speech and pornography.

Consider a young black woman manager told to attend an education meeting with the CEO of St. Louis University Medical Center and his top male aides. The men showed a grossly pornographic film.

Shocked, angered, paralyzed with fear, she was powerless to leave an isolated area of the hospital. Her husband later dismissed her reaction, but a good marriage of 13 years fell apart.

She sued the executive and hospital on grounds "the film was used to intimidate, humiliate and harass me." The case went all the way to the U.S. Supreme Court, but she lost. "I was forced to accept that as a woman and as an African-American, I do not enjoy the full protection of the law."

Closer to home was the cross-burning on the St. Paul lawn of Russ and Laura Jones. Their skinhead harassers were charged under a St. Paul bias ordinance, which eventually the U.S. Supreme Court threw out.

The Jones es said the media made it a First Amendment case rather than a violation of their equal-protection rights as citizens.

"No one seemed to care what the message of the cross-burning was, or what effect it had on us," Laura Jones told Lederer.

"When I saw that cross burning on our lawn, I thought of the stories my grandparents told about living in the South and being intimidated by white people. When a cross was burned down there they either meant to harm you or put you in your place."

Another essayist pointed out that Judge Antonin Scalia's majority opinion utterly ignored the history of such terroristic threats and how such intimidation suppresses the free-speech rights of victims.

The 1996 Minnesota law offered by Sen. Ted Mondale, DFL-St. Louis Park, and Rep. Jim Rhodes, R-St. Louis Park, would make it easier for victims of hate crimes to recover damages for emotional distress. It's not the $ 40 it costs to fix the lawn where a cross has burned, but the emotional costs involved, argues an advocate.

"The Price We Pay" describes research in recent years that shows, the essayists say, that racist speech, hate propaganda and pornography "have discernible effects on their targets and on society in general."

Minnesota has had examples of how on-the-job pornography and other sexual harassment degrades women, yet the visitor to small factories or garages still can find it too often.

"Displaying pornography in the workplace is a graphic and effective way for male workers to let their female colleagues know they are not welcome and are considered inferior," one essayist says.

Star Tribune (Minneapolis, MN), February 6, 1996

Another cites a survey showing that many boys think "it is okay to hold a girl down and force her to have intercourse. Our study demonstrates that overwhelmingly they are the male teen-agers who are reading and watching pornography . . . . It is a statistical link between the amount of pornography male teen-agers watch and the belief that it may be okay to use force with sex."

When men deprecate women, female bodies and female sexuality, another writer says, male "language can serve as a form of social control."

To control hateful speech

The book then turns to strategies to control harmful speech and conduct within the present First Amendment framework. Feminist Eleanor Smeal proposes pressuring advertisers not to support offensive media images.

Elena Kagan, a teacher of First Amendment issues, favors more civil remedies for victims, as the Minnesota Legislature is now considering.

Another writer proposes that laws against sex discrimination in employment be used more often to fight pornographic stereotypes.

Other "Price We Pay" essayists would have the country rethink the legal framework for addressing hate speech. One argued for "narrow and well-defined legal controls on pornography and hate speech."

Lederer and a coeditor conclude the book with a call for a "national town meeting" on free speech and equal protection. The symbolic meeting, or rather debate, really is just beginning.

Ironically, the "most stubborn resistance" will come from those most firm in support of the First Amendment, the editors say. But if a function of the First Amendment is to encourage open discussion of ideas and issues, then what's wrong with holding that debate?

- Leonard Inskip is a Star Tribune columnist and editorial writer.

LANGUAGE: ENGLISH

LOAD-DATE: February 8, 1996

LEVEL 1 - 125 OF 133 STORIES

The Buffalo News

November 14, 1995, Tuesday, CITY EDITION

SECTION: EDITORIAL PAGE, Pg. 2B

LENGTH: 183 words

HEADLINE: DISSERVICE TO SCHOLARLY WORK ON HATE SPEECH

BODY:

I must object to the unfair and inaccurate description a News reviewer painted of contributors to the anthology "The Price We Pay: The Case Against Racist Speech, Hate Propaganda and Pornography." It is not helpful to mislabel legal scholars making a contribution to an ongoing dialogue on harmful speech.

"The Price We Pay" has contributions by such renowned scholars as Frank Michelman of Harvard Law School; Frederick Schauer, First Amendment scholar at the John F. Kennedy School of Government; Elena Kagan, assistant legal counsel for the White House; Charles R. Lawrence, at Georgetown Law Center; and Kimberle Crenshaw, Anita Hill's counsel.

None of these scholars are "pro-censorship," as The News review suggests. All of these contributors are exploring solutions to hate speech that fall well within the parameters of the current legal framework.

The reviewer did our book a great disservice by cavalierly throwing around inflammatory rhetoric and by not describing the real contents of the book or viewpoints of the authors.

LAURA J. LEDERER

Minneapolis, Minn.

LANGUAGE: ENGLISH

LOAD-DATE: November 16, 1995

LEVEL 1 - 131 OF 133 STORIES

The National Law Journal

October 17, 1988

SECTION: Pg. 3

LENGTH: 1230 words

HEADLINE: 36 New Clerks for the High Court;
Almost Half Are From D.C. Circuit

BYLINE: BY MARCIA COYLE, National Law Journal Staff Reporter

DATELINE: Washington

BODY:

During the October 1988 term of the U.S. Supreme Court, 36 law clerks -- nearly half coming from clerkships at the U.S. Circuit Cout of Appeals for the District of Columbia -- will be assisting the justices with what one former clerk calls the "daunting" workload of the nation's high court.

The D.C. Circuit was once "home" to 17 of the new Supreme Court clerks. The 2d Circuit provided the justices with five new clerks, and four of the 36 come from federal district court clerkships.

And even though Judge Douglas H. Ginsburg and former Judge Robert H. Bork, both of the D.C. Circuit, last year failed to win seats on the high court bench, five of their former clerks are now in justices' chambers -- two with Justice Anthony M. Kennedy and one each with Justices Thurgood Marshall, Sandra Day O'Connor and Antonin Scalia.

Twelve law schools are represented by the 36 new clerks. Harvard University Law School and Yale Law School provided the most clerks this term -- eight each.

The clerks also hold degrees from the University of Chicago Law School (four clerks), Columbia University School of Law and Stanford University Law School (three each), University of Virginia School of Law, Northwestern University School of Law and University of Michigan Law School (two each), and University of Iowa College of Law, Emory University School of Law, University of Miami School of Law and New York University School of Law (one each).

The arrival of the new clerks obviously signals the departure of last term's clerks. The former clerks have taken jobs primarily with law frims around the country.

Jones, Day, Reavis & Pogue recently hired five of last term's clerks and three from earlier terms. Two former clerks are now working in offices of New York's Skadden, Arps, Slate, Meagher & Flom. Presidential campaign committees have drawn two other former clerks, as have public defender offices in New York and Washington, D.C.

The following is a list of the new clerk,s their law schools and their previous clerkships, and the former clerks and their new positions:

1988 The National Law Journal, October 17, 1988

Chief Justice William H. Rehnquist

New clerks: Lindley J. Brenza, Chicago (Judge Frank H. Easterbrook, 7th Circuit); Robert J. Giuffra, Yale (Judge Ralph K. Winter Jr., 2d Circuit); Melissa L. Saunders, Virginia (Judge J. Dickson Phillips Jr., 4th Circuit)

Former clerks: J. Anthony Downs, Boston's Goodwin, Procter & Hoar; Richard C. Miller, Latham & Watkins in Washington, D.C.; William L. Taylor, undecided

Justice William J. Brennan Jr.

New clerks: Timothy S. Bishop, Northwestern (Judge James L. Oakes, 2d Circuit); Lisa E. Heinzerling, Chicago (Judge Richard A. Posner, 7th Circuit); Eric P. Rakowski, Harvard (Judge Harry T. Edwards, D.C. Circuit); John M. West, Michigan (Judge Harry T. Edwards, D.C. Circuit)

Former clerks: Einer Elhauge, University of California at Berkeley School of Law; Mark H. Epstein, Los Angeles' Munger, Tolles & Olson; Joseph R. Guerra, Washington, D.C., office of Chicago's Sidley & Austin; Joshua Rosenkranz, Appellate Division of the New York Public Defender's Office

Justice Byron R. White

New clerks: Christopher R. Drahozal, Iowa (Chief Judge Charles Clark, 5th Circuit); Stephen A. Higginson, Yale (Chief judge Patricia M. Wald, D.C. Circuit); Ronald A. Klain, Harvard, serving his second term with Justice White; Laura A. Miller, Yale

Former clerks: Albert J. Boro Jr., San Francisco office of New York's Skadden, Arps, Slate, Meagher & Flom; Richard Cordray, Columbus, Ohio, office of Jones, Day, Reavis & Pogue; will leave Jones Day in January to clerk for Justice Kennedy; Barbara McDowell, Washington, D.C., office of Jones, Day, Reavis & Pogue

Justice Thurgood Marshall

New clerks: Debra L.W. Cohn, New York Unversity (Judge James L. Oakes, 2d Circuit); Paul A. Engelmayer, Harvard (Chief Judge Patricia M. Wald, D.C. Circuit); Jonathan D. Schwartz, Stanford (Judge Harry T. Edwards, D.C. Circuit); Margaret E. Tahyar, Columbia (former Judge Robert H. Bork, D.C. Circuit)

Former clerks: Michael Doss, Washington, D.C., office of Jones, Day, Reavis & Pogue; Elena Kagan, Dukakis-Bentsen Campaign in Boston; Harry Litman, will clerk for Justice Kennedy for six months beginning in January; Carol S. Steiker, District of Columbia Public Defender Service

Justice Harry A. Blackmun

New clerks: Edward B. Foley, Columbia (Chief Judge Patricia M. Wald, D.C. Circuit); Kevin M. Kearney, Emory (Judge James L. Oakes, 2d Circuit); Edward P. Lazarus Yale (Judge William A. Norris, 9th Circuit); Deborah C. Malamud, Chicago (U.S. District Judge Louis H. Pollak in Philadelphia)

Former clerks: Emily Buss, undecided; Danny Ertel, Washington, D.C., office of New York's Debevoise & Plimpton; Ann M. Kappler, undecided; Alan C.

1988 The National Law Journal, October 17, 1988

Michaels, undecided

Justice John Paul Stevens

New clerks: Diane M. Armann, Northwestern (U.S. District Judge Prentice H. Marshall in Chicago); Abner S. Greene, Michigan (Chief Judge Patricia M. Wald, D.C. Circuit); Randolph D. Moss, Yale (U.S. District Judge Pierre N. Leval in New York

Former clerks: Teresa W. Roseborough, Atlanta's Sutherland, Asbill & Brennan

Justice Sandra Day O'Connor

New clerks: Adalberto J. Jordan, Miami (Judge Thomas A. Clark, 11th Circuit); Daniel M. Mandil, Columbia (Judge Ruth Bader Ginsburg, D.C. Circuit); Andrew G. McBride, Stanford (former Judge Robert H. Bork, D.C. Circuit); Jane E. Stromseth, Yale (U.S. District Judge Louis F. Oberdorfer in Washington, D.C.)

Former clerks: Sharon L. Beckman, Boston's Silverglate, Gertner, Fine, Good & Mizner; Steven T. Catlett, Columbus office of Jones, Day, Reavis & Pogue; Susan A. Dunn, Fenwick, Davis & West in Palo Alto, Calif.; Nelson Lund, Bush-Quayle Campaign and Alan Keyes for U.S. Senate Campaign

Justice Antonin Scalia

New clerks: Wendy E. Ackerman, Chicago (Judge Stepehn F. Williams, D.C. Circuit); Richard P. Bress, Stanford (Judge Stephen F. Williams D.C. Circuit); D. Cameron Findlay, Harvard (Judge Stephen F. Williams D.C. Circuit); John F. Manning, Harvard (former Judge Robert H. Bork, D.C. Circuit)

Former clerks: Richard D. Berstein, Washington, D.C., office of New York's Skadden, Arps, Slate, Meagher & Flom; Steven G. Calabresi, American Enterprise Institute for Public Policy Research in Washington, D.C., working with former Judge Robert H. Bork of the D.C. Circuit; Paul T. Cappuccio, Jones, Day, Reavis & Pogue; leaves in January to clerk for Justice Anthony M. Kennedy for six months; Rober H. Tiller, Washington, D.C.'s Onek Klein and Farr

Justice Anthony M. Kennedy

New clerks: Elizabeth D. Collery, Harvard (Judge Douglas Ginsburg, D.C. Circuit); Miguel A. Estrada, Harvard (Judge Amalya Lyle Kearse, 2d Circuit); Thomas G. Hungar, Yale (Judge Alex Kozinski, 9th Circuit); Peter D. Keisler, Yale (former Judge Robert H. Bork, D.C. Circuit)

Former clerks: E. Lawrence Vincent, Houston's Susman, Godfrey & McGowan; Daniel Chung, undecided

Retired Chief Justice Warren Burger

New clerk: William K. Kelley, Harvard (Judge Kenneth W. Starr, D.C. Circuit)

Former clerk: Gregory Dovell, Los Angeles' Mitchell, Silberg & Knupp

Retired Justice Lewis F. Powell Jr.

1988 The National Law Journal, October 17, 1988

New clerk: R. Hewitt Pate III, Virginia (Judge J. Harvie Wilkinson III, 4th Circuit)

Former clerk: Robert W. Werner, Robinson & Cole, Hartford, Conn.

LANGUAGE: ENGLISH

LEVEL 1 - 132 OF 133 STORIES

The National Law Journal

October 12, 1987
Correction Appended

SECTION: Pg. 3

LENGTH: 1078 words

HEADLINE: 31 New Clerks Begin at Supreme Court;
34 Ex-Clerks Turn in Passes

BYLINE: BY MARCIA COYLE, National Law Journal Staff Reporter

BODY:

A "WORLD OF secrets" has closed to one group of U.S. Supreme Court clerks and opened to another as the 1987-'88 term gets underway.

It is "incredibly difficult," notes one former high-court clerk, to turn in your Supreme Court pass -- the official end to an unparalleled legal experience. "Now the world of secrets closes behind you," he adds, and these lawyers must take their place with outside court observers.

The 34 clerks who recently handed over their passes already have taken new positions in academia or in large and small firms around the country. The justices' chambers will be home to 31 new clerks, almost half of whom clerked previously at the U.S. Circuit Court of Appeals for the District of Columbia.

Most of the former clerks will work in large firms, with New York's Davis Polk & Wardwell hiring three -- the largest number. Three law schools will benefit from former clerks' experience and expertise: Northwestern University School of Law, Columbia University School of Law and George Mason University School of Law.

Seven of the 31 new clerks graduated from Harvard Law School and four from Yale Law School. Other schools represented by the new clerks include the University of Chicago Law School, Columbia University School of Law, University of Virginia School of Law and University of North Carolina School of Law.

The following is a list of the former clerks and their new positions, and the new clerks, their law schools and their previous clerkships:

CHIEF JUSTICE WILLIAM H. REHNQUIST

FORMER CLERKS

David Leitch: Hogan & Hartson (Washington, D.C.).

William Lindsay: Gibson, Dunn & Crutcher (Los Angeles).

Laura Little: Dechert Price & Rhoads (Philadelphia).

NEW CLERKS

James A. Downs, Chicago (Judge James L. Oakes, 2d Circuit).

Richard C. Miller, Pennsylvania (Judge Spottswood W. Robinson III, D.C. Circuit).

William L. Taylor, Yale (Senior Judge John M. Wisdom, 5th Circuit).

JUSTICE WILLIAM J. BRENNAN JR.

FORMER CLERKS

Mark Haddad: Sidley & Austin (Washington, D.C.).

Dean Hashimoto, who is also a medical doctor: Ropes & Gray (Boston) and Harvard Public Health Service.

Milton Regan: Davis Polk & Wardwell (Washington, D.C.).

Virginia Seitz: Bredhoff & Kaiser (Washington, D.C.).

NEW CLERKS

Einer Elhauge, Harvard (Judge William A. Norris, 9th Circuit).

Mark H. Epstein, Hastings, University of California (U.S. District Senior Judge Stanley A. Weigel in San Francisco).

Joseph R. Guerra, Georgetown (U.S. District Judge Joyce Hens Green in Washington, D.C.).

Joshua Rosenkranz, Georgetown (Judge Stephen F. Williams, D.C. Circuit).

JUSTICE BYRON R. WHITE

FORMER CLERKS

David Burcham: Gibson, Dunn & Crutcher (Los Angeles).

Samuel Dimon: Davis Polk & Wardwell (Washington, D.C.).

Mary Sprague: Arnold & Porter (Washington, D.C.).

Richard Westfall. Davis, Graham & Stubbs (Washington, D.C.).

NEW CLERKS

Albert J. Boro Jr., Berkeley, University of California (Judge Walter J. Cummings, 7th Circuit).

Richard Cordray, Chicago (Judge Robert H. Bork, D.C. Circuit).

Ronald A. Klain, Harvard (Harvard Law School).

Barbara McDowell, Yale (Judge Ralph K. Winter Jr., 2d Circuit).

JUSTICE THURGOOD MARSHALL

FORMER CLERKS

Glen Darbyshire: undecided.

Rosemary Herbert: American Civil Liberties Union (New York, fellowship).

Eben Moglen: Columbia University School of Law.

Margaret Raymond: undecided.

NEW CLERKS

Michael Doss, Pennsylvania (Judge James L. Oakes, 2d Circuit).

Elena Kagan, Harvard (Judge Abner J. Mikva, D.C. Circuit).

Harry Litman, Berkeley, University of California (Judge Abner J. Mikva, D.C. Circuit).

Carol S. Steiker, Harvard (Judge J. Skelly Wright, D.C. Circuit).

JUSTICE HARRY A. BLACKMUN

FORMER CLERKS

Beth Brinkman: Turner & Brorby (San Francisco).

Ellen Deason: Iran/U.S. Claims Tribunal (The Hague).

James Fanto: undecided.

Chai Feldblum: AIDS Action Council (Washington, D.C.).

NEW CLERKS

Emily Buss, Yale (U.S. District Judged Louis H. Pollak in Philadelphia).

Daniel Ertel, Harvard (Chief Judge Patricia M. Wald, D.C. Circuit).

Ann M. Kappler, New York University (Judge Abner J. Mikva, D.C. Circuit).

Alan C. Michaels, Columbia (Chief Judge Wilfred Feinberg, 2d Circuit).

JUSTICE JOHN PAUL STEVENS

FORMER CLERKS

Ronald Lee: Arnold & Porter (Washington, D.C.).

Lawrence Marshall: Northwestern University School of Law.

NEW CLERKS

Abner S. Greene, Michigan (Chief Judge Patricia M. Wald, D.C. Circuit).

Teresa W. Roseborough, North Carolina (Judge James D. Phillips Jr., 4th Circuit).

JUSTICE SANDRA DAY O'CONNOR

FORMER CLERKS

Charles Blanchard: Office of Independent Counsel James McKay (Washington, D.C.). He will join Phoenix, Ariz.'s Brown & Bain next year.

Daniel Bussell: Office of Independent Counsel James McKay.

Susan Creighton: Wilson, Sonsini, Goodrich & Rosati (Palo Alto, Calif.).

Joan Greco: Davis Polk & Wardwell (New York).

NEW CLERKS

Sharon L. Beckman, Michigan (Judge Frank M. Coffin, 1st Circuit).

Steven T. Catlett, Columbia (Judge Kenneth W. Starr, D.C. Circuit).

Susan A. Dunn, Stanford (Judge Joseph T. Sneed, 9th Circuit).

Nelson Lund, Chicago (Judge Patrick E. Higginbotham, 5th Circuit).

JUSTICE ANTONIN SCALIA

FORMER CLERKS

Gary Lawson: Yale Law School, fellowship.

Lee Liberman: George Mason University School of Law.

Roy McLeese III: assistant U.S. attorney (Washington, D.C.).

Patrick Schiltz: Faegre & Benson (Minneapolis).

NEW CLERKS

Richard D. Bernstein, Columbia (Judge Amalya Lyle Kearse, 2d Circuit).

Steven G. Calabresi, Yale (Judge Robert H. Bork, D.C. Circuit).

Paul T. Cappuccio, Harvard (Judge Alex Kozinski, 9th Circuit).

Robert H. Tiller, Virginia (Judge Stephen F. Williams, D.C. Circuit).

RETIRED JUSTICE LEWIS F. POWELL JR.

FORMER CLERKS

Leslie Gielow Jacobs: Altshuler & Berzon (San Francisco).

Andrew Leipold: Morgan, Lewis & Bockius (Philadelphia).

Robert Long: Covington & Burling (Washington, D.C.).

Ronald Mann: Dow, Cogburn & Friedman (Houston).

NEW CLERK

Robert W. Werner, New York University (U.S. District Judge Edward Weinfeld in New York).

RETIRED CHIEF JUSTICE WARREN E. BURGER

FORMER CLERK

Gene Schaerr: Sidley & Austin (Washington, D.C.).

NEW CLERK

Gregory Dovell, Harvard (Judge J. Clifford Wallace, 9th Circuit).

CORRECTION-DATE: November 16, 1987

CORRECTION:
THE NATIONAL Law Journal incorrectly reported in its Oct. 26 issue that Peter Perlman of Lexington, Ky.'s Peter Perlman Law Offices, P.S.C. would participate in a Trial Lawyers for Public Justice project to help the Christic Institute in a lawsuit. A conflict forced Mr. Perlman to withdraw from the case after printed materials about the project had been prepared.

In the Oct. 12 issue, it was inaccurately reported that Mark H. Epstein, a new clerk to U.S. Supreme Court Justice William J. Brennan Jr., is a graduate of the University of California, Hastings College of Law. He graduated from the University of California at Berkeley School of Law.

LANGUAGE: ENGLISH

LEVEL 1 - 130 OF 133 STORIES

New York Law Journal

March 15, 1990, Thursday

SECTION: Pg. 5

LENGTH: 247 words

HEADLINE: Corporate Decisions in the Second Circuit

BYLINE: COMPILED BY JACQUELINE M. BUKOWSKI

BODY:

Weitzman v. Stein

Civil Procedures

Defendant Accused of Lying Has Assets Frozen

An injunctive order freezing the respondent's assets was reversed and remanded March 1.

Judge Amalya Kearse, writing in Weitzman v. Stein, 89-7861, found that not only was the injunction order freezing Mrs. Stein's assets incorrect, but that without a hearing, it was unclear whether the court had jurisdiction over Mrs. Stein, a Florida resident. The action, which dates back to 1970, seeks to compel Mrs. Stein to turn over assets given her by her late husband from F.I.F. Consultants and Investment Bancshares Inc. Mrs. Stein was called to New York under the "long arm" doctrine, because her agent/husband handled business here. Mrs. Stein's assets had been frozen when, after surprise questions about the amount of the assets and how much she needed to live on, she failed to answer on the spot. She was accused of lying and the injunction was issued.

Louis Venezia of Venezia & Haber represented the Plaintiff. Arthur Halsey Rice of Rice & Reiser in Miami, Florida, was counsel to the defendant.

U.S. v. Chuang

Banking Law

Claims Document Seizure Violates 4th Amendment

A judgment convicting Kuang Hsung J. Chuang of misapplication of bank funds, false statements to bank officials and conspiracy, was upheld Feb. 28.

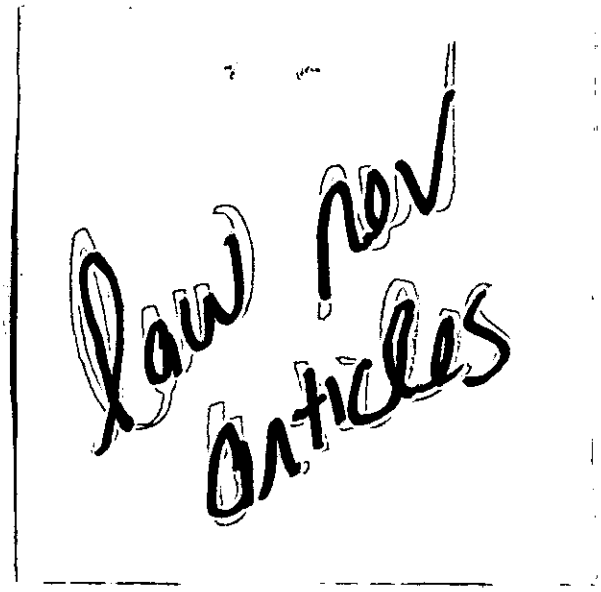
Judge William H. Timbers, writing in U.S. v. Chuang, 89-1309, held that bank documents seized by the Office of the Comptroller of the Currency were properly admitted as evidence of bank fraud. The OCC examiners appeared with an administrative supoena after hearing complaints about Golden Pacific National Bank's non-negotiable certificates. Although a corporate officer has a legitimate expectation of privacy in his own work space, the documents in question were not taken from his personal office. Supreme Court holdings have established that "The expectation [of privacy] is particularly attenuated in

1990 NY Law Publishing Co., New York Law Journal, March 15, 1990

commercial property employed in closely held industries."

Assistant U.S. Attorneys Herve Gouraige, Martin Klotz and Kerri M. Bartlett from the office of Otto G. Obermaier, U.S. Attorney for the Southern District of New York represented the prosecution. Partner Robert S. Litt and associates Bruce S. Oliver and Elena Kagan, of Williams & Connolly in Washington, D.C., were counsel for the defendant.

LANGUAGE: ENGLISH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1ST CASE of Level 1 printed in FULL format.

RICHLAND BOOKMART, INC., d/b/a TOWN AND COUNTRY, Plaintiff-Appellee, v. RANDALL E. NICHOLS, Defendant-Appellant.

CITES L. REV. ARTICLE ON p. 7

No. 96-6472

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

137 F.3d 435; 1998 U.S. App. LEXIS 3161; 1998 FED App. 0070P (6th Cir.)

December 1, 1997, Argued
February 27, 1998, Decided
February 27, 1998, Filed

SUBSEQUENT HISTORY: [*1] Rehearing Denied April 23, 1998, Reported at: 1998 U.S. App. LEXIS 9545.

PRIOR HISTORY: Appeal from the United States District Court for the Eastern District of Tennessee at Knoxville. No. 95-00349. Leon Jordan, District Judge.

DISPOSITION: Vacated and remanded.

COUNSEL: ARGUED: Steven A. Hart, OFFICE OF THE ATTORNEY GENERAL, CRIMINAL JUSTICE DIVISION, Nashville, Tennessee, for Appellant.

Frierson M. Graves, Jr., BAKER, DONELSON, BEARMAN & CALDWELL, Memphis, Tennessee, for Appellee.

ON BRIEF: Steven A. Hart, OFFICE OF THE ATTORNEY GENERAL, CRIMINAL JUSTICE DIVISION, Nashville, Tennessee, Michael J. Fahey, II, OFFICE OF THE ATTORNEY GENERAL, Nashville, Tennessee, for Appellant.

Frierson M. Graves, Jr., BAKER, DONELSON, BEARMAN & CALDWELL, Memphis, Tennessee, for Appellee.

JUDGES: Before: MERRITT, BATCHELDER, and FARRIS, * Circuit Judges.

* The Honorable Jerome Farris, Circuit Judge of the United States Court of Appeals for the Ninth Circuit, sitting by designation.

OPINIONBY: MERRITT

OPINION:

OPINION

MERRITT, Circuit Judge. The defendant below, Randall E. Nichols, District Attorney for Knox County, Tennessee, appeals a permanent injunction entered by the district court against enforcement of statutory amendments to the Tennessee Adult-Oriented Establishment [*2] Act. The new statute limits the hours and days during which adult entertainment establishments can be open and requires such establishments to eliminate the closed booths in which patrons watch sexually-explicit videos or live entertainment.

The injunction was entered after plaintiff, Richland Bookmart, Inc., an adult bookstore in Knox County, Tennessee, challenged the constitutionality of the state law on the grounds that it violates the First Amendment and the Equal Protection Clause of the United States Constitution. The district court held that although the statute was content-neutral, the hours and days limitation violated the First Amendment because it was not narrowly tailored to address the stated goal of the statute -- the alleged deleterious "secondary effects" on neighborhoods and families caused by the presence of adult establishments. Having decided the case on the First Amendment ground, the district court did not reach plaintiff's equal protection argument. For the reasons stated below, the judgment of the district court is reversed and the case is remanded to the district court with instructions to vacate the permanent injunction.

I. The Statute in Question [*3]

On June 26, 1995, plaintiff, Richland Bookmart, Inc., a seller of sexually-explicit books, magazines and videos, filed a complaint for preliminary injunction, permanent injunction and declaratory judgment requesting that the district court declare Tennessee's Adult Oriented Establishment Act (1995 Tenn. Pub. Act 421, codified at Tenn. Code Ann. @@ 7-51-1401 et seq.) to be unconstitutional on its face or as applied to plaintiff. After a hearing on the preliminary injunction, the district court issued a preliminary injunction enjoining enforcement of the act. The injunction was made permanent on September 26, 1996, and defendant, District Attorney General for Knox County Randall Nichols, appealed to this Court.

Presumably in anticipation of expected First Amendment challenges, the act contains a lengthy preamble. Because the district court carefully summarized the long preamble, we will highlight only relevant portions here.

The preamble discusses the need to outlaw closed video booths because these booths are often used by patrons to stimulate themselves sexually, creating a public health problem. This provision does not apply to plaintiff. It does not have closed booths on its [*4] premises. Plaintiff sells adult books and magazines and sells and rents adult videos for off-premises viewing only. The preamble also lists detrimental health, safety and welfare problems caused by shops selling graphic sexual material -- the so-called "secondary effects," of the establishments on the communities that surround them -- and cites specific land-use studies done by other cities on the subject. The "secondary effects" identified include "increased crime, downgrading of property values and spread of sexually transmitted and communicable diseases."

The preamble continues with a list of "unlawful and/or dangerous sexual activities" associated with adult-oriented establishments and ends with a list of citations to judicial decisions supporting such legislation.

The act defines "adult-oriented establishment" as "any commercial establishment . . . or portion thereof" selling as its "predominant stock or trade . . . sexually oriented material." n1

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n1 The complete definition is as follows:

any commercial establishment, business or service, or portion thereof, which offers, as its principal or predominant stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults.

Chapter 421, Section 2(4).

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[*5]

"Sexually-oriented material" is defined as any publication "which depicts sexual activity . . . or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits human male genitals in a discernibly turgid state, even if completely covered." n2

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n2 The complete definition of "sexually oriented material" is as follows:

any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits human male genitals in a discernibly turgid state, even if completely covered.

Chapter 421, Section 2(10).

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Section 3 prohibits adult-oriented establishments from opening before 8 a.m. or after midnight Monday through Saturday, and from being open at all on Sundays or the legal [*6] holidays listed in the Tennessee Code Annotated.

Section 4 prevents the use of private booths, stalls or partitioned rooms for sexual activity. Because plaintiff here does not have any private booths, the district court did not address this portion of the act.

Section 5 describes the criminal penalties under the act. A first offense for a violation is a Class B misdemeanor punishable by a fine of $ 500. Subsequent violations are Class A misdemeanors with no penalty specified in the statute. The Tennessee Code provides that Class A misdemeanors carry a penalty for a fine not to exceed $ 2500, imprisonment not to exceed 11 months and 29 days or both, unless the statute provides otherwise. Tenn. Code Ann. @ 40-35-111.

Section 6 states that live stage shows, adult cabaret and dinner theatre are excepted from the closing hours requirement. Section 7 allows local governments to impose other "lawful and reasonable" restrictions on adult-oriented establishments.

Plaintiff contends that the law violates both its First Amendment rights through the closing hours requirement and its equal protection rights by exempting certain other establishments that sell or trade in adult-oriented

goods [*7] or services as at least part of their business.

The district court granted a preliminary injunction, later made permanent, against enforcement of the act, finding that the closing hours restrictions violate the First Amendment. The district court concluded that plaintiff was likely to succeed on the merits of its constitutional challenge because the act (1) goes beyond what is necessary to further the state's legitimate interest in regulating the secondary effects described in the act's preamble, (2) is overbroad and (3) is vague. The district court did not reach plaintiff's equal protection argument.

II. Analysis of Facial Validity of the Statute

This case arises from the tension between two competing interests: free speech protection of erotic literature and giving communities the power to preserve the "quality of life" of their neighborhoods and prevent or clean up "skid-rows." The tension arises because the First Amendment offers some protection for "soft porn," i.e., sexually-explicit, nonobscene material -- although "society's interest in protecting this type of expression is of a wholly different, and lesser, magnitude than the interest in untrammeled [*8] political debate. . . ." Young v. American Mini Theatres, Inc., 427 U.S. 50, 70, 49 L. Ed. 2d 310, 96 S. Ct. 2440 (1976). The Supreme Court most recently restated this view that "porn-type" speech is generally afforded less-than-full First Amendment protection in Barnes v. Glen Theatre, Inc., 501 U.S. 560, 115 L. Ed. 2d 504, 111 S. Ct. 2456 (1991) (nude dancing).

The normal starting point for a discussion of the facial validity of statutory regulation of speech requires an analysis of the so-called "content-neutrality" of the regulation. Here, the bookstore contends that the act is a "content-based" regulation and therefore presumptively unconstitutional and subject to "strict scrutiny." The defendant prosecutor argues that the act is content-neutral and that the closing requirements are permissible "time, place and manner" regulation subject to the less exacting "intermediate scrutiny."

We agree with plaintiff that the legislation at issue here is obviously not content-neutral. The statute focuses on and regulates only "sexually-explicit" or porn-type speech. This is no more content neutral than a statute designed to regulate only political campaign advertising, newspaper [*9] want ads or computer graphics. The law singles out certain establishments for regulation based only on the type of literature they distribute. But see Barnes, 501 U.S. at 585 (Souter, J., concurring) and Mitchell v. Commission on Adult Entertain. Estabs., 10 F.3d 123 (3d Cir. 1993) (describing regulation of such sex literature as content neutral because it is designed to counter bad behavior in the neighborhood where it is sold).

The fact that such regulation is based on content does not necessarily mean that regulation of nonobscene, sexually-explicit speech is invalid. The law developed under the First Amendment offers such speech protection "of a wholly different, and lesser magnitude." Young v. American Mini Theatres, 427 U.S. at 70. In American Mini Theatres, the Court expressly ruled that the City of Detroit may legitimately use the content of adult motion pictures as the basis for treating them differently from other motion pictures. In order to prevent and clean up skid-rows, the ordinance confined theatres showing sex movies to

a few areas of the city. A plurality of the Court upheld a content-based zoning ordinance restricting the location of adult [*10] movie theatres. The Court held that even though such sexually-explicit literature, unlike obscenity, is protected from total suppression, "the State may use the content of these materials as the basis for placing them in a different classification from other motion pictures." Id. at 70-71. Justice Steven's opinion is straightforward and clear. It says that "there is surely a less vital interest in the uninhibited exhibition of material that is on the borderline between pornography and artistic expression than in the free dissemination of ideas of social and political significance." Id. at 61. The Court concluded that the classification made by the City of Detroit was justified by the City's interest in preserving its neighborhoods from deterioration -- the now so-called "secondary effects" of erotic speech. The ordinance was upheld because it did not unduly suppress access to lawful speech. American Mini Theatres recognized that regulation based on content may be necessary to protect other legitimate interests. The Court did not try to maintain that the ordinance was, in fact, content- neutral; it stated only that it might be treated as if it were content-neutral [*11] because, like commercial speech, it is less than fully protected.

Justice Powell, concurring in American Mini Theatres, elaborated on the special circumstances presented when reviewing regulation of erotic or sexually-explicit speech:

Moreover, even if this were a case involving a special government response to the content of one type of movie, it is possible that the result would be supported by a line of cases recognizing that the government can tailor its reaction to different types of speech according to the degree to which its special and overriding interests are implicated.

American Mini Theatres, 427 U.S. at 82 n.6 (cases omitted). Justice Powell specifically pointed out that sexually-explicit speech is different from other kinds of speech and, although protected to a certain degree, is offered less protection because other important social interests are at stake when sexually-explicit speech is at issue. Erotic or sexually-explicit literature is in a unique category, a category unto itself that the Supreme Court has decided may be regulated without subjecting the regulation to so-called "strict scrutiny" with its accompanying presumption [*12] of unconstitutionality.

Many have severely criticized the holding and rationale of American Mini Theatres, n3 including initially the four dissenters led by Justice Stewart, but a majority of the Court has adhered to its view allowing anti-skidrow, content-based regulation of establishments selling pornographic literature, movies, dancing and other hard-core erotic material. In a subsequent case, City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 89 L. Ed. 2d 29, 106 S. Ct. 925 (1986), the Court upheld a content-based zoning ordinance enacted by the City of Renton, Washington, that prohibited adult motion picture theatres from locating within 1,000 feet of family dwellings, churches, parks or schools.

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n3 Criticism of the analysis used in American Mini Theatres and later in City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 89 L. Ed. 2d 29, 106 S. Ct. 925 (1986), is extensive in the legal literature. For a representative sample, see, e.g., Laurence Tribe, American Constitutional Law @ 12-3 (2d ed. 1988);

Ashutosh Bhagwat, Purpose Scrutiny in Constitutional Analysis, 85 Cal. L. Rev. 297, 351-53 (1997); Elena Kagan, Private Speech, Public Purpose: The Role of Governmental Motive in First Amendment Doctrine, 63 U. Chi. L. Rev. 413, 483-91 (1996); Marjorie Heins, Viewpoint Discrimination, 24 Hastings Const. L. Q. 99, 125-28 & n.137 (1996); Robert Post, Recuperating First Amendment Doctrine, 47 Stan. L. Rev. 1249, 1265-67 (1995); Keith Werhan, The Liberalization of Freedom of Speech on a Conservative Court, 80 Iowa L. Rev. 51, 68-70 (1994); Geoffrey R. Stone, Content-Neutral Restrictions, 54 U. Chi. L. Rev. 46, 104, 114-17 (1987).

- - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - - - -

[*13]

The intervening years had reduced the number of dissenters on the Court from four to two. Now it was only Justices Brennan and Marshall in dissent. Relying primarily on American Mini Theatres, the Court in Renton analyzed the ordinance as a form of time, place and manner regulation, although recognizing that a law that focuses on such films is obviously not content neutral. The Court acknowledged candidly that both ordinances treated adult theatres differently than other types of theatres, the traditional touchstone of content-based legislation.

The Court went on in City of Renton to explain that the ordinance did not contravene the fundamental principles that underlie concerns about content-based speech regulations because its stated purpose is to curb the "secondary effects" of adult establishments. Accordingly, the Court in City of Renton, like the Court in American Mini Theatres, decided that the zoning ordinances at issue could be reviewed under the standard applicable to content-neutral regulations, even though the ordinances were plainly content-based. The stated rationale is that a distinction may be drawn between adult theatres and other kinds of theatres [*14] "without violating the government's paramount obligation of neutrality in its regulation of protected communication" because it is seeking to regulate the secondary effects of speech, not the speech itself. City of Renton, 475 U.S. at 49 (quoting American Mini Theatres, 427 U.S. 50 at 70).

Over the last decade, some courts reviewing these type of regulations started simply referring to them as content-neutral without explaining, as the Supreme Court carefully did in both American Mini Theatres and City of Renton, that they are in fact content-based but are to be treated like content-neutral regulations for some purposes. See, e.g., North Ave. Novelties, Inc. v. City of Chicago, 88 F.3d 441, 444 (7th Cir. 1996), cert. denied, 136 L. Ed. 2d 609, 117 S. Ct. 684 (1997); 11126 Baltimore Blvd., Inc. v. Prince George's County, Md., 58 F.3d 988, 995 (4th Cir. 1995); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413, 1416 (8th Cir. 1994); TK's Video, Inc. v. Denton County, Tx., 24 F.3d 705, 707 (5th Cir. 1994); Mitchell v. Commission on Adult Entertain. Estabs., 10 F.3d 123, 128-31 (3d Cir. 1993). Thus, in some cases, a kind [*15] of legal fiction has been created that calls regulation of such literature "content neutral" when what is meant is only that the regulation is constitutionally valid.

Under present First Amendment principles governing regulation of sex literature, the real question is one of reasonableness. The appropriate inquiry is whether the Tennessee law is designed to serve a substantial government interest and allows for alternative avenues of communication. Does the law in question unduly restrict "sexually explicit" or "hard-core" erotic expression?

Reducing crime, open sex and solicitation of sex and preserving the aesthetic and commercial character of the neighborhoods surrounding adult establishments is a "substantial government interest." The Tennessee legislature reasonably relied on the experiences of other jurisdictions in restricting the hours of operation. It is not unreasonable to believe that such regulation of hours of shops selling sex literature would tend to deter prostitution in the neighborhood at night or the creation of drug "corners" on the surrounding streets. By deterring such behavior, the neighborhood may be able to ward off high vacancy rates, deteriorating store [*16] fronts, a blighted appearance and the lowering of the property values of homes and shopping areas. Such regulation may prevent the bombed-out, boarded-up look of areas invaded by such establishments. At least that is the theory, and it is not unreasonable for legislators to believe it based on evidence from other places.

The legislation leaves open alternative avenues of communication. Access to adult establishments is not unduly restricted by the legislation. Adult establishments may still be open many hours during the week.

III. Overbreadth and Vagueness

Plaintiff contends, and the district court agreed, that the act is also unconstitutionally vague in that certain terms are not defined. We believe the terms are sufficiently defined so that a reasonable person would understand them.

Specifically, the district court found that the act's alleged vagueness may have a "chilling effect" on erotic literature that has "literary, artistic or political value." It also found that the word "paraphernalia" as used in the act might include places such as lingerie shops.

First, the plaintiff's establishment here clearly falls within the purview of the statute. In American [*17] Mini Theatres, the Court found that it was unnecessary to consider vagueness when an otherwise valid ordinance indisputably applies to the plaintiff -- when there is no vagueness as to him. 427 U.S. at 58-59. See also City of Renton, 475 U.S. at 55 n.4. Plaintiff is clearly an "adult-oriented establishment" as defined in the act. Any element of vagueness in the act does not affect this plaintiff.

Second, the law is not as vague as the bookstore contends. To be included within the purview of the act, an establishment must (1) have as its "principal or predominant stock or trade" sexually-oriented materials, devices or paraphernalia and (2) restrict admission to adults only. The terms used in the act are understandable common terms. Most buyers, sellers and judges know what such materials are and who are adults and who are children.

The Supreme Court examined overbreadth in detail in New York v. Ferber, 458 U.S. 747, 773-74, 73 L. Ed. 2d 1113, 102 S. Ct. 3348 (1982). In Ferber, the Court refused to find as unconstitutionally overbroad a state statute prohibiting persons from knowingly promoting sex by children under 16 by selling such material. The Court held that the [*18] mere possibility that some protected expression, some erotic literature, could arguably be subject to the statute was insufficient reason to find it unconstitutionally overbroad. The Court said that we should not assume that state courts would broaden the reach of a statute by giving it an "expansive construction." This is consistent with

Tennessee law that provides that such regulation of speech should be construed narrowly. Davis-Kidd Booksellers, Inc. v. McWherter, 866 S.W.2d 520, 526 (Tenn. 1993).

* * *

Plaintiff also contends that the act violates its equal protection rights because the act exempts from regulation establishments offering "only live, stage adult entertainment in a theatre, adult cabaret, or dinner show type setting." The district court did not reach this issue and did not issue an injunction on this ground. We express no opinion on whether the act violates plaintiff's equal protection rights because this argument has not been fully developed or reviewed in the district court.

Accordingly, the preliminary injunction issued by the district court is vacated and set aside and the case remanded for further proceedings consistent with this opinion. [*19]

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**********09248**********

Released February 13

Transcript of a press briefing by Deputy Press Secretary Joe Lockhart

Transcript of a press briefing by National Drug Control Policy Director Barry McCaffrey and Domestic Policy Council member Elena Kagan on the national drug control strategy

Advance text of remarks by National Security Adviser Samuel Berger at the National Press Club

Statement by the Press Secretary: Appointment of Robert Bell as Counselor to the National Security Adviser

LANGUAGE: ENGLISH

LOAD-DATE: March 06, 1998

LEVEL 1 - 52 OF 133 STORIES

Federal News Service

FEBRUARY 13, 1998, FRIDAY

SECTION: WHITE HOUSE BRIEFING

LENGTH: 1021 words

HEADLINE: SPECIAL WHITE HOUSE BRIEFING
SUBJECT: TOBACCO
BRIEFER: ELENA KAGAN
DEPUTY ASSISTANT TO THE PRESIDENT
DOMESTIC POLICY COUNCIL
ALSO BRIEFING: JOSEPH LOCKHART
PHILADELPHIA, PENNSYLVANIA

BODY:
I'll have something on that probably in astudy from the Department of Justice that will be in tomorrow's radio address. I
programre greatest. In sharp contrast, each of these airports could generate roughly ten times more capital funds than they receive in entitlements through, for example, a $3.00 increase in PFCs.
Therefore, even if Congress were to fund AIP atirport needs and available funding will only widen. In addition to funding AIP at adequate levels to meet the needs of smaller airports, Congress must act now to eliminate the federal restriction on airports generating desperately needed funds through the PFC.
INVESTMENT IN AIRPORT INFRASTRUCTURE IS VITAL
Today, the air transportation system is the linchpin of our national and local economies, essential to the safe and efficient transportation of people and goods, both domestically and internationally. Airports are "economic engines" that generate and support local economic development by providing complete transportation services, stimulating business activity and investment, attracting and facili figure does not include the thousands of indirect (induced)jobs that are generated as a result of the actival and state governments and the federal government. Investment in our nation's airports, through federal and local user-funded capital is clearly not enough, we hope at least thatves to stifle aviation and economic growth.
Adequate investment in our nation's infrastructure is absolutely critical to our global competitiveness. Ironically, we are in danger of seriously underinvesting at a time when we can least afford it, especially in the face of much greater attention and investment that other countries are giving to their airport systems. With the expenditure of discretionary funds so constrained by the federal budget, we as a nation should ma order to build the infrastructure that will allow not only our generation, but our children and grandchildren the opportunity to compete and prosper in the global economy.
Since airline deregulation in 1978, the number of passengers using the domestic aviation system has dramatically increased. Last year, approximately 620 million passengers were enplaned in the United States. The FAA projects that by 2002, the year we are hoping to achieve a balanced federal budget, that number will grow to 740 million and will approach 900 million enplanements sometime in 2005. Accommodating that level of activity would require the equivalent of the capacity that is handled today at the top 30 U.S. airports -- the equivalent often new D/FWs. But, no new airports of this magnitude are on the horizon. ACI-NA/AAAE's annual capital needs estimate only takes into account meeting

the short term impact of these demands and does not reflect a way to address an increase in passenger traffic of this magnitude.

For many years, air travelers and shippers have been continually plagued by significant capacity and delay problems in our system. Currently, there are 22 airports that are seriously congested, each experiencing more than 20,000 hours of delay every year. These delays cost the airlines, alone, over half a billion dollars a year and impose tremendous costs and disruptions to millions .. '. of passengers and businesses. The FAA forecasts that unless major airport capacity investments are made, this number of congested airports will grow to 32 in less than 10 years.

This means that over the next several years, as we move toward a balanced budget, we must also make sure that there is sufficient investment in our nation's airport infrastructure to handle not only the current passenger traffic, but an additional 200 million passengers by the year 2002.

This will be a major challenge. We as a nation cannot afford the billions our economic competitiveness abroad, by settling for an inefficient and inadequate air transportation systete that the economic activity generated by airpodate such growth. During the same period, we estimate that the number of airport-related jobs will grow from 5.8 million to 9.3 million.

It generally takes 5-7 years to undertake and complete an airport development project. That means that as politically difficult as it may be to provide an increase in airport construction funding in today'alistically hope to close the existing investment gap and will lose the chance to build the infrastructure nending gap may be impossible to close.

CONCLUSION

There is almost universal agreement that the amount needrt funding - primarily the federal Airport Improvement Program, and existing local sources such as PFCs and airport bonds - do not come close to meeting these needs.

While AIP levels have failed to grow and, indeed, have declined over the years, the number of passengers using the dliable service or loss of air service altogether.

Simply put, current funding levels for AIP are inadequateds a fully funded Airport Improvement Program, in excess of $2 billion a year to help support needed safetyh the recommendations of the NCARC and ATA. We must act now to close the gap between the needs of the system E 9 02/12/98 But that alone will not be enough. Congress must also restore greater decision-making w best the needs of their airport and the air travelers and shippers they serve. They require the flexibilitys of air travelers, businesses and their communities who depend on the airport and high- quality, affordableor capital improvement projects, to make up for the shortfall in AIP funding and to begin bridging the gap between airport funding sources and needs. Specifically, the time has come to eliminate the $3 cap on tire Passenger Facility Charge.

We will support a multi-year reauthorization of the AIP program only if Congress eliminates the PFC cap. Otherwise, we request a one-year reauthorization and oppose any other formula or allocation modifications, except to eliminate the discretionary fund cap, as mentioned earlially, and the aviation community as a whole. We appreciate your leadership and I would be happy to respond to any questions you or other members of the subcommittee may have.

END

LANGUAGE: ENGLISH

LOAD-DATE: February 14, 1998

LEVEL 1 - 53 OF 133 STORIES

Federal News Service

FEBRUARY 13, 1998, FRIDAY

SECTION: WHITE HOUSE BRIEFING

LENGTH: 3116 words

HEADLINE: SPECIAL WHITE HOUSE BRIEFING WITH
DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY
GENERAL BARRY MCCAFFREY
PHILADELPHIA MARRIOTT
PHILADELPHIA, PENNSYLVANIA

BODY:
MR. LOCKHART: Hello, everybody. Can you hear me in the back? Before I take any questions, we're going to do a couple of things first.
Tomorrow's radio address will focus on the President's new drug strategy, and General McCaffrey is here today to talk to you a little bit about that. This briefing will be non-embargoed, you're free to use this any time. There will also be some things in the radio address tomorrow that we're going to hold until tomorrow, so there will be some new stuff there and he will not be able to talk about that until later.
Q Can I just suggest -- can he talk about the embargoed --

MR. LOCKHART: Let's do this, let's get through this part and if there's any interest we can work something out. What we've handed out is releasable now. After that, I've got Elena Kagan, from the Domestic Policy Council, who is here and available if you have any questions on the study the President talked about today, from Treasury. And then I'll be there if there's any other subjects that interest you.
General McCaffrey.
GENERAL MCCAFFREY: Very quickly, let me run through -- and I guess this is a change that it's not embargoed -- what the President will put in front of the American people tomorrow at 10:06 a.m. And at 11:00 a.m. I'm going to try and bring together part of the interagency team -- Justice, Treasury, Health and Human Services, Education -- and respond to people's questions in Washington.
There's three documents I'll show you, and a fourth you need to know about. The first document is the National Drug Strategy, and that's what the President will refer to. It is comprehensive. He will underscore that it's a 10-year perspective. He'll talk about -- in his radio address he'll try and bring life to this by talking about the programs that give this meaning.
We think this is the blueprint for what we're going to try and accomplish. And we have told the Congress -- and I would suggest to you that what you need to do is hold us accountable by seeing if what we do in the next three years supports the strategy. So that's the most important thing I'd put in front of you to consider -- the strategy is what we're trying to achieve, reasonably short, well written, based on expert input and we think finds wide acceptance.
There's a second document you need to know about: The National Drug Control Strategy Budget Summary. This is the '99 document, but it has also got a five-year projection for the first time in our history. Frank Raines and I worked with each of the Cabinet Secretaries over the last six months in particular, and hammered out a drug budget which went to the Hill -- the President sent this over to the Hill a couple weeks ago -- that is $17.1

billion. It was $16 billion last year. It was $15.4 billion the year before that. The bottom line has increased significantly in each of those budget years, and the '99 budget continues it. There has been a disproportionate investment of new money in the prevention of drug use by young Americans and in the treatment of drug addiction among the 4 million chronically addicted.
And then, finally, this budget I think is pretty significant, starts to effectively link the drug treatment community and the criminal justice community. So there's a lot of information in here about how Janet Reno will try and use a drug court system and something called "breaking the cycle," which is a step beyond drug court, which is really a diversion program, first-time offender, non- violent offender. And now we're getting into a concept we tested last year -- the President now funded it -- which was mandatory drug test for arrestees, followed by mandatory treatment both in prison and follow-on.
And I'd be glad to respond to your questions. But this budget is a 6.8-percent increase over last year and is a 15-percent increase in those programs aimed at young Americans. So inexorably, the resources are starting to come into line with a front-loaded strategy based on prevention and treatment linked to criminal justice.
Here's a new document. We won't have it printed. It's interagency approved. We've given you the cover sheet and the outline. It's called the Performance Measures of Effectiveness. The President will talk about this in his radio address tomorrow. It's a 141-page document. It's the first time we've done it. It attempts to set out for this strategy and for long-term budgeting where we say we're going. And so what you'll find if you look at the summary I gave you is 12 outcome targets that we say we're going to try and achieve over the next 10 years. We've broken it down into halfway mark, five-year targets.
And then in the coming year, what we've told -- Frank Raines and I and Erskine Bowles have told the interagency, you must now in the coming year create annual targets to get at the end of 10 years to a reduction of drug abuse among the American population, down to 3 percent from it's current 6 percent. If we can get to 3 percent, we will have achieved the lowest rates of drug abuse in our society in our modern recorded history.
We think these performance measures of effectiveness are coherent. There are 82 subordinate targets, so if you're in a state or local government, if you're a private association, if you're a foreign government or if you're a federal agency, you can see what is it your effort supposedly is going to be held accountable for, where are we trying to go.
Finally, I think all of you have in there two documents. One is a summary of the strategy. It's an outline that I'm putting on the fax at 10:00 a.m. tomorrow. And the second document, we tried to bring together a compilation of where do we think we are in sort of a broad gauge way today in America on drug abuse. Are we winning, losing; are things getting better; is any of this organizational effort and money having an impact. And we put on one piece of paper an attempt to define what we say the evidence seems to suggest.
And I would argue the evidence seems to suggest that in a 15-year context, drug abuse is down markedly; that in the short-term, the last five years we've suffered a reversal in which there have been dramatically increasing rates of drug abuse and new drugs among young people; and that last year there is substantial reason to believe that we have made the beginnings of significant progress in reducing drug use by young Americans and by reducing the supply of drugs, particularly cocaine, in the international market.

So that's where we are and I'd be glad to answer your questions -- or go get a sandwich. (Laughter.)

Q Are you getting into a kind of a strange situation where you need the revenues from the cigarette tax to pay for some of these health programs that are in the State of the Union, and therefore, if the cigarette companies do well you'll have more tax revenues to pay for these programs, which is against the stated purpose of the higher tax?
GENERAL MCCAFFREY: You know, I probably ought to ask OMB about this. But I'm almost sure there is no linkage at all between the cigarette tax and that whole issue and the $17.1 billion that the President and Frank Raines put in front of Congress. So our programs aren't linked. These are requests for federal appropriated monies in nine separate appropriations bills, which I think will have pretty broad gauge bipartisan support. But this isn't a tax related deal.
Q General, this school initiative, what are you doing that the DARE program is not doing? They are in 75 percent of the nation's schools already.
GENERAL MCCAFFREY: Well, the DARE program we are absolutely supportive of. As some of you may know, it's the biggest drug prevention program in the world -- 26 million American children and an additional 7 million in foreign countries. It's primarily targeted at 5th and 6th graders. And it does a pretty good piece of work we think.
Now, at the same time, the drug prevention efforts -- if I go to a school and ask, what are you doing on drug prevention, the answer is, the DARE program in the 5th and 6th grade and then an annual lecture to the high school seniors about your brain on drugs. That's inadequate. So Donna Shalala and Dr. Alan Leshner -- and I and others believe you need to have a consistent antidrug message from kindergarten through the 12th grade that is appropriate for the young people you're talking to.
So one of the things in here that Dick Riley and I are most proud of is a new initiative. It's a modest initial investment of $50 million to go hire 1,300 drug prevention experts, and to influence out of that some 6,000-plus middle schools around the country. We said that principals have to have access not to somebody who will come in and do the teaching, but someone who has the database, who does have and understands the National Institute of Drug Prevention guidelines.
And so those are the kinds of things that Dick Riley is trying to move forward in the education area. We've got a five-page budget summary in there for you which gives some of the program elements that are there. DARE's a very narrowly based school prevention program in the 5th and 6th grade.
Q General, realistically, how achievable are these goals that he's going to announce tomorrow and what do you feel are the real keys to reaching them?
GENERAL MCCAFFREY: Well, you know, that's been a part of the debate over the last 90 days. Tremendous levels of anxiety in putting on the table performance measures of effectiveness and committing ourselves in the coming year to changing 10-year goals into annual goals. And not just 12 broad ones, but then demonstrating internally what are the 82 intermediate steps.
Now, I think we ought to have a sense of humility about these performance measures of effectiveness. By the end of next year we may have a better assessment on which ones accurately describe the behavior we're seeking to achieve. In some cases, we may end up measuring the wrong thing because it was easier to measure. Another case is we may not achieve some of these goals; then we may want to revise the program as opposed to saying the goal is unachievable. I would argue straight up -- and this has been part of the debate over the last several weeks -- that it is in my own mind clearly achievable to reduce drug abuse and its consequences in America dramatically -- not to a drug-free America, but over the next decade to take it down to historically more normal levels of drug abuse. There's 269 million of us; right now 4.1 million of us are chronic, compulsive drug users. And it seems to me, with rational drug policy

that is hooked appropriately into rational law enforcement policy, with cooperation with the international community, that over time we can achieve these goals.
So I'm extremely positive that these are real programs and that it will pay off.
Q And the second part of the question was, how? What are the keys to achieving the goals --
GENERAL MCCAFFREY: Well, the central pillar of the President's drug strategy -- and I normally cite Columbia University Center for Alcohol and Substance Abuse data. We're pretty well persuaded through almost overwhelmingly mathematical statistical correlation data that if you can get a young American from about the age of nine through probably 19, and they don't smoke cigarettes, abuse alcohol or smoke pot -- those are the three big destructive behaviors -- then the likelihood of them joining this smaller number of 13 million abusers of illegal drugs is remote. If they do those behaviors, it isn't a demonstrated causal linkage that they will end up in that group, but the probabilities skyrocket. So if you get a 19-year-old son or daughter and you look them in the eye, they're not smoking cigarettes, they're not abusive of beer or wine, and they're not smoking pot, they're probably home free. They won't ever be among that incredibly sad and self- destructive group of us who are compulsive drug users.
Q Why do you pick 2007 as the goal?
GENERAL MCCAFFREY: An awful lot of the people I listen to and who I find enormously credible -- let me give you a couple of names of people that I listen to: Dr. Aphram Goldstein, Professor Emeritus of Pharmacology at Stanford University, is one who I normally cite as having shaped my own thinking. This is a generational challenge. You've got to grab each generation of kids who are perfectly okay in the 5th and 6th grade -- we've got to remind ourselves, if you take the whole age population, 11-17, 80 percent of them have never touched an illegal drug. And they come out of the 6th grade where they start seeing a lot of drugs in America and they're still not using them. In those middle school years they're exposed to drugs, and if there is a series of prevention factors there, they don't use them. And to the extent that they're at risk, if they're a vulnerable adolescent, they start using them.
So the bottom line is you've got to focus on young people. You've got to keep them away from what -- another source I would cite is these wonderful people in National Institutes of Health, particularly the ones down at Johns Hopkins, where now we have enough science so we understand that these aren't shapeless social behaviors, these are neuro-chemical changes in brain functioning. You can take a picture of the brain which is rewired with cocaine use and you can watch its glucose metabolic activity, and it's different from a normal brain function.
That's what we're trying to do. Don't get people exposed and involved in cocaine. Don't get them exposed and involved in poly-drug abuse. And if you can do that and get them into their adult years, they're home free.
Q Your figures show a drop in cocaine production in the Andean region by 100 tons from the previous year, in '97. What do you attribute that to?
GENERAL MCCAFFREY: Well, this is one of the unexpected surprises of my life. This is -- let me give you three observations on it. The first one is there has been a 40-percent drop in cocaine production in Peru, period. That's unmistakable. That's satellite data -- actually, I shouldn't say cocaine -- of coca -- under production. It's a 40-percent reduction.

It was an 18-percent reduction this year; 21 percent last year. You can see them moving off the line. They're moving to alternative economic development. Now, that's a function of a lot of things -- some smart alternative economic policies by President Fujimori. It is clearly also a function of the air-bridge

interdiction operation between Peru and Colombia, which has been going on for a little over two years and which I was privileged to take part in when I was a CINC SOUTHCOM.
There's also been for the first time in 8 years an actual net reduction in coca production in Bolivia.

I mean, we've gone 7 years in a row, slight increase each year, nothing appeared to work. This last year the government, the Vice President -- that team actually had a 5-percent net reduction in coca.
And then, finally, the bad news is there was a rather dramatic 18-percent increase in coca production in Colombia. Poor Colombia. It's exploding down in the southern regions -- even though they achieved their eradication goals that we shaped with them.
But if you add them all together, if you -- all the CIA data together, for the first time we've seen a net reduction in cocaine.
Q You said that was 40 percent in Peru over two years?
GENERAL MCCAFFREY: Forty percent over the last two years -- 18 percent last year, 21 percent the year prior to that. Bolivia, the first year we had a net reduction of about 5 percent. And poor Colombia is up about 18 percent.
Q Would you evaluate Mexico's efforts to combat drug trafficking?
GENERAL MCCAFFREY: Of course, we've done that throughout the year. I don't have in your packet -- I should have provided you a copy of the Joint U.S.-Mexico Drug Strategy we just put out. We've been working on that since last May, when the two Presidents in Mexico City told us to -- we'd finished the joint threat assessment; go give us a joint strategy. So we've got a joint strategy on the table.
We have some pretty significant cooperation in the areas of money laundering, precursor chemical control, new legal authorities on the part of the Mexicans passed by their Congress including some that required constitutional revision. We are assisting in the training of non-corrupt Mexican law enforcement institutions. Mr. Mariano Aron (sp), the head of -- new head of their new drug police, now has several hundred law enforcement officers, most of whom have been trained in the United States by the FBI and DEA. And the Mexicans have polygraphed them and drug-tested them. And there is significant cooperation between the U.S. Coast Guard and the Mexican Navy with major seizures both at sea and on land. Mexican cocaine seizures have gone up dramatically, higher than in several years.

Now, having said that, Mexico is under major internal attack, violence and corruption driven by international criminal organizations of a tremendous veracity and cunning. Although they've arrested some of their mid-level cartel leadership and driven others into hiding, it's still a very serious situation. And I might add that occurs on both sides of the border. One of the data points I would offer for you to consider is last year on the U.S.-Mexican border, U.S. law enforcement were subject to 222 violent incidents driven by drug crime. So it's a dangerous environment in both countries.
Q Is this $17 billion just a one-year figure?
GENERAL MCCAFFREY: That $17.1 billion is the FY '99 budget the President and Frank Raines and I proposed to Congress -- a substantial amount of money. And then if you look internally, what we're offering is the notion that you've got to invest up front in prevention -- you know, we've got $36 billion federal, state and local prison operation going on in the United States -- $36 billion, with 1.7 million men and women behind bars. Half of them I think are there for a drug-related reason.
So the argument we have made is, you've got to get up front with prevention

and grind down the number of drug users. And then Janet Reno and Donna Shalala and I are trying to sort out how do you focus the significant amounts of drug treatment dollars and hook them into the criminal justice system. That's where we're going. If we don't do that we'll continue to be overwhelmed by a problem that is fairly described as costing us $70 billion a year. That's the size of the problem.
Okay. Thank you.
END

LANGUAGE: ENGLISH

LOAD-DATE: February 14, 1998

LEVEL 1 - 54 OF 133 STORIES

Public Papers of the Presidents

February 13, 1998

CITE: 34 Weekly Comp. Pres. Doc. 260

LENGTH: 285 words

HEADLINE: Checklist of White House Press Releases

HIGHLIGHT:
The following list contains releases of the Office of the Press Secretary that are neither printed as items nor covered by entries in the Digest of Other White House Announcements.

BODY:

Released February 9

Transcript of a press briefing by Deputy Press Secretaries Joe Lockhart, Barry Toiv, and Ann Luzzatto

Transcript of a press briefing by National Economic Council Director Gene Sperling on the President's Social Security initiative

Announcement of nomination for U.S. Attorney for the Northern District of Georgia

Announcement of nomination for U.S. Marshal for the Eastern District of New York

Announcement of nomination for U.S. Marshal for the Western District of Kentucky

Announcement of nomination for U.S. Marshal for the District of Utah

Released February 10

Transcript of a press briefing by Press Secretary Mike McCurry

Fact sheet: Southeast Europe Action Plan

Released February 11

Transcript of a briefing by the First Lady on the Millennium Project

Transcript of a press briefing by Press Secretary Mike McCurry

Statement by the Press Secretary: President Clinton To Visit Africa March 22-April 2

Announcement of nomination for U.S. Court of Appeals Judge for the Second Circuit

Released February 12

Transcript of a press briefing by Press Secretary Mike McCurry

LEVEL 1 - 61 OF 133 STORIES

U.S. Newswire

November 19, 1997 15:09 Eastern Time

SECTION: NATIONAL DESK

LENGTH: 2079 words

HEADLINE: Transcript of Clintons Remarks at Adoption Bill Signing

CONTACT: White House Press Office, 202-456-2100

DATELINE: WASHINGTON, Nov. 19

BODY:
Following is a transcript of remarks made by President Clinton and First Lady Hillary Rodham Clinton today at the Adoption Bill signing:

The East Room

1:53 P.M. EST

MRS. CLINTON: Thank you and welcome to the East Room. Please be seated. We are delighted to have all of you join us today for this very important event and one that many of you in this room have worked for and looked for for many years.

There are some people that I would like to acknowledge and introduce before we get started. You will hear from the four members of Congress who are here on the stage, Representative Kennelly, Representative Camp, Senator Chafee and Senator Rockefeller. Also attending are Senator Craig, Senator DeWine, Senator Landrieu, Representative Levin, Representative Oberstar, Representative Maloney, and Representative Morella. And I'd like to ask all the members of Congress to please stand. (Applause.)

This was truly a bipartisan piece of legislation. It could not have been passed without the strong support of the members whom you see, including the sponsors who are here on the stage. It was also a work that was very much in the heart of Secretary Donna Shalala and her team from HHS -- Richard Tarplin, Mary Bourdette, and Carol Williams. And I'd like to ask the Secretary and her team to stand please. (Applause.)

There were also a number of members of the White House staff who worked very hard with members of Congress and with members of the HHS contingent, and I'd like to acknowledge just a few of them -- John Hilley, Bruce Reed, Elena Kagan, and in particular Jen Klein and Nicole Rabner. I want to thank all of them. (Applause.)

I'm also pleased that we have Governor Romer of Colorado. We have children, families, advocates, and leaders of the child welfare constituency here in our audience.

Nearly a year ago, the President and I met with children waiting in the foster care system for caring families to call their own. There the President pledged to reform the child welfare system to work better for the children it serves, to put their health and safety first, and to move children more

quickly into safe and permanent homes. Today we as a nation make good on that pledge.

And for the thousands of American children who wait for a stable, loving home that will always be there, it is not a moment too soon. Right now there are nearly half a million children in foster care. For most, foster care is a safe haven on the road to a permanent home or back home. Too many, however, make countless detours along the way, shuffling from family to family without much hope that they will ever find permanent parents to love and take care of them. These children who will enter this holiday season unsure about whether the family they celebrate this year will be there with them next year deserve better.

We know it makes a difference for children to have permanent loving homes. It's not only research that tells us this; we know it by our intuition, by our own experience and we have all seen it firsthand. It was here i n this room two years ago that a young woman named Deanna -- a child waiting to be adopted in foster care stood up and read a poem about what she wanted in life, and it wasn't real complicated. It is what all of us want. I'm happy that because of that event here in the East Room, she was able to meet a family who did adopt her. And I saw her last year at an event in Kansas City and almost didn't recognize her -- from a shy, withdrawn 13-year- old, she had blossomed into a cheerful, outgoing, confident teenager with a brilliant smile.

This landmark legislation that the President is about to sign will see to it there are more stories like Deanna's. This legislation stands as proof of what we can accomplish when we come together. As we see today, the national government does have an important role to play in reforming our foster care system, and giving guidance to courts and states in offering incentives to speed up and increase the numbers of adoptions, and in making sure that the health and safety of our children is always the first priority.

But we know even more, all Americans have a role and a responsibility. Businesses can make it easier for their employees to adopt a child. And I want to single out Dave Thomas of Wendy's, who has led the way in showing all of us how that can be done. (Applause.)

Religious leaders can help spread the word about the joys of adoptions. Parents thinking about adoption can expand their search to reach out to kids in foster care. And if we reform the system so that it works the way that it should, more Americans will look to American children to adopt and not feel compelled to go overseas to adopt children. (Applause.)

With us today are some extraordinary Americans who have answered this call. This morning, the Department of Health and Human Services observed National Adoption Month by honoring outstanding achievements with the 1997 Adoption 2002 Excellence Awards. Secretary Shalala developed these awards at the request of the President. The winners are dedicated individuals and organizations, both large and small, who have worked to move children out of the foster care system and into permanent, loving homes. Some of them have been at the forefront of this issue for years; some have promoted and supported adoption in their communities; and some are parents who have opened their homes and hearts to our nation's most vulnerable children.

I'd like to ask all the honorees who were honored this morning to please

stand. (Applause.) We want to thank you for the work you have done, for the example you have set. And we hope that through these awards, in conjunction with this legislation, there will be many, many more in your ranks in the years to come.

THE PRESIDENT: Thank you, Sue Ann. Thank you, Aaron (phonetic). And I want to thank the Badeau family for showing up. I think it's fair to say it was a greater effort for them than for anyone else here. (Laughter.) I appreciate the rest of your presence. It was easier for me than anybody; I just had to come downstairs. (Laughter.) But I'm grateful that they're here.

Secretary Shalala, I thank you and your staff for your remarkable work on this. And I thank the members of the White House staff, all the members of Congress who are present here. And especially I thank Senators Rockefeller and Chafee and Congressmen Camp and Kennelly for their work and for what they said here.

Congratulations to the Adoption 2002 Excellence Award winners. I thank all the advocates who are here. And I say a special word of thanks, along with all the others who have said it, to the First Lady, who has been passionately committed to this issue for at least 25 years now that I know. Thank you, Governor Romer, for coming. And thank you, Dave Thomas, for what you've done.

Again let me say to all the members of Congress who are here, Republicans and Democrats alike, I am very grateful for what you've done. This, after all, is what we got in public life for, isn't it?

Before I make my brief remarks, if you'll forgive me and understand, I have to make one public statement today about the situation in Iraq.

As I have said before, I prefer to resolve this situation peacefully, with our friends and allies, and I am working hard to do just that. But I want to be clear again about the necessary objective of any diplomacy now underway. Iraq must comply with the unanimous will of the international community and let the weapons inspectors resume their work to prevent Iraq from developing an arsenal of nuclear, chemical and biological weapons. The inspectors must be able to do so without interference. That's our top line; that's our bottom line. I want to achieve it diplomatically. But we're taking every step to make sure we are prepared to pursue whatever options are necessary.

I do not want these children we are trying to put in stable homes to grow up into a world where they are threatened by terrorists with biological and chemical weapons. It is not right. (Applause.)

It's hard to believe now, but it was just a little less than a year ago when I directed our administration to develop a plan to double the number of children we move from foster care to adoptive homes by the year 2002. We know that foster parents provide safe and caring families for children. But the children should not be trapped in them forever, especially when there are open arms waiting to welcome them into permanent homes.

The Adoption and Safe Families Act, which I am about to sign, is consistent with the work of the 2002 report and our goals. It fundamentally alters our nation's approach to foster care and adoption. And fundamentally, it will

improve the well-being of hundreds of thousands of our most vulnerable children. The new legislation makes it clear that children's health and safety are the paramount concerns of our public child welfare system. It makes it clear that good foster care provides important safe havens for our children, but it is by definition a temporary, not a permanent, setting.

The new law will help us to speed children out of foster care into permanent families by setting meaningful time limits for child welfare decisions, by clarifying which family situations call for reasonable reunification efforts and which simply do not. It will provide states with financial incentives to increase the number of children adopted each year. It will ensure that adopted children with special needs never lose their health coverage -- a big issue. Thank you, Congress, for doing that. It will reauthorize federal funding for timely services to alleviate crisis before they become serious, that aid the reunification of families that help to meet post-adoption needs.

With these measures we help families stay together where reunification is possible and help find safe homes for children much more quickly when it is not. We've come together in an extraordinary example of bipartisan cooperation to meet the urgent needs of children at risk. We put our differences aside, and put our children first.

This landmark legislation builds on other action taken in the last few years by Congress: the Adoption Tax Credit I signed into law August to make adopting children more affordable for families, especially those who adopt children with special needs; the Multiethnic Placement Act, enacted two years ago, ensuring that adoption is free from discrimination and delay, based on race, culture, or ethnicity; and the very first law I signed as President, the Family and Medical Leave Act of 1993, which enables parents to take time off to adopt a child without losing their jobs or their health insurance.

We have put in place here the building blocks of giving all of our children what should be their fundamental right -- a chance at a decent, safe home; an honorable, orderly, positive upbringing; a chance to live out their dreams and fulfill their God-given capacities.

Now, as we approach Thanksgiving, when families all across our country come together to give thanks for their blessings, I would like to encourage more families to consider opening their homes and their hearts to children who need loving homes. You may not want to go as far as the Badeaus have -- (laughter) -- but they are a shining example of how we grow -- (applause) -- they are a shining example of how we grow when we give, how we can be blessed in return many times over. We thank them and all -- all of the adoptive parents in the country.

For those who are now or have been foster or adoptive parents, I'd like to say thank you on behalf of a grateful nation, and again say at Thanksgiving, let us thank God for our blessings and resolve to give more of our children the blessings they deserve.

Thank you very much. (Applause.)

END 2:19 P.M. EST